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Conceptualizing Ambush Marketing: Developing a Typology of Ambush Strategy and Exploring the Managerial Implications for Sport Sponsors

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Conceptualizing Ambush Marketing: Developing a Typology of Ambush Strategy and Exploring the Managerial Implications for Sport Sponsors

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December 2011

A thesis submitted in partial fulfillment of the University's requirements
for the Degree of Doctor of Philosophy

Coventry University

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Abstract

As sport sponsorship has grown in importance and sophistication over the past three decades, so too have the efforts made by un-associated brands to capitalize on the financial benefits and media value provided by sport. By offering would-be sponsors an alternative means of associating with an event without the substantial expense of securing an official partnership, ambush marketing has become a major threat to the investments made by official sponsors, cluttering the marketing environment surrounding sponsorship and challenging sponsors for consumer attention and awareness. Unfortunately, our understanding of ambushing and its impact on the management of sponsorship programmes has been limited by the predominantly atheoretical, outdated perspective of ambush marketing espoused by commercial rights holders and event organizers.

This study presents a conceptual examination of ambush marketing, providing a theoretical investigation of the nature, role, strategy and impact of ambush marketing and a renewed perspective of ambush marketing as a form of marketing communications. Contemporary ambush marketing represents a strategic alternative to official sponsorship, which offers a brand access to consumer attention and awareness by creating an affiliation, whether implicit or explicit, with an event or property. This previously unexplored complexity and diversity has informed the construction and development of a typology of ambush strategy which contemporizes past ambush marketing research and affords new insight into the role and evolution of ambush marketing, and its impact on sport sponsorship management. The development of a theoretical conceptualization of ambush marketing represents an integral step in the advancement of the academic study of ambushing, and affords the opportunity to better understand the impact of ambushing on sponsorship and to further explore the nature of ambush marketing.

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Table of Contents

Abstract...	i
Acknowledgements...	ii
List of Tables...	v
List of Figures...	vi
Chapter I: Introduction...	1
1.1 – An Introduction to Ambush Marketing...	1
1.2 – Research Aims & Objectives...	7
1.3 – Research Methodology...	9
1.4 – Analysis & Discussion...	13
1.5 – Publication...	16
1.6 – Breakdown of the Study...	18
1.7 – Conclusions...	19
Chapter II: Theoretical Framework...	21
2.1 – Ambush Marketing and Sport Sponsorship: An Introduction...	21
2.1.1 – The Sponsorship Industry...	22
2.1.2 – The Evolution of Sponsorship...	24
2.2 – The State of Sponsorship Research...	27
2.2.1 – Sponsorship and Sport Marketing Communications...	27
2.2.2 – Defining Sponsorship...	30
2.2.3 – Re-visiting Sponsorship Research...	33
2.2.4 – Progressing Sponsorship Research...	39
2.3 – Ambush Marketing...	41
2.3.1 – Introducing Ambush Marketing...	42
2.3.2 – The Threat Posed to Sport Sponsorship...	47
2.3.3 – Protecting Against Ambush Marketing...	52
2.4 – Theoretical Conclusions...	62
Chapter III: Research Methods...	65
3.1 – Research Philosophy and Design...	65
3.2 – Phase I: Constructing an Ambush Case Database...	70
3.2.1 – The Ambush Case Database...	73
3.3 – Phase II: Preliminary Practitioner Interviews...	82
3.3.1 – The Nature of Ambush Marketing...	89
3.3.2 – Implications for Sponsors and Rights Holders...	94
3.3.3 – Summary of Preliminary Findings...	105
3.4 – Phase III: In-Depth Expert Interviews...	108
3.4.1 – Sampling Considerations...	110
3.4.2 – Data Collection and Analysis...	113
3.4.3 – The Development of a Typology of Ambush Marketing Strategy...	119
3.5 – Methodological Conclusions...	121

Chapter IV: Analysis & Discussion of Results...	123
4.1 – Towards a Theory of Ambush Marketing...	123
4.2 – Developing a Conceptualization and Typology of Ambush Marketing...	124
4.3 – A Typology of Ambush Marketing Strategy...	129
4.3.1 – Direct Ambush Marketing Activities...	133
4.3.2 – Indirect Ambush Marketing Activities...	155
4.3.3 – Incidental Ambush Marketing Activities...	175
4.3.4 – The Evolution of Ambush Marketing...	184
4.4 – Examining Ambush Marketing’s Impact on Sponsorship Management...	186
4.5 – Modeling Ambush Marketing’s Impact on Sponsorship...	208
Chapter V: Conclusions and Recommendations...	213
5.1 – Exploring Ambush Marketing Theory...	213
5.2 – Embracing a New Understanding of Ambush Marketing...	216
5.3 – The Future of Ambush Marketing Research...	219
5.4 – Conclusion...	222
References...	223
Appendices...	278
Appendix A: Phase II Semi-Structured Interview Schedule...	278
Appendix B: Phase III In-Depth Expert Interview Schedule...	291
Appendix C: Phase III Expert Interview NVivo Coding Report...	305

List of Tables

Chapter I

Table 1.1 – Tabulated Summary of Methodology...	10
---	----

Chapter II

Table 2.1 – Defining Ambush Marketing...	45
--	----

Chapter III

Table 3.1 – Tabulated Summary of Methodology...	69
Table 3.2 – Selected Examples from the Ambush Marketing Case Database...	74
Table 3.3 – Preliminary Semi-Structured Interview Participants...	87
Table 3.4 – Expert Interview Participants...	113

Chapter IV

Table 4.1 – A Typology of Ambush Marketing...	131
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List of Figures

Chapter I

Figure 1.1 – Bavaria, 2006 FIFA World Cup, Germany...	1
---	---

Chapter II

Figure 2.1 – The 21 st Century Sport Integrated Marketing Communications Mix...	29
Figure 2.2 – Canterbury, New Zealand Rugby Football Union, 2001...	54

Chapter III

Figure 3.1 – The Research Onion...	66
Figure 3.2 – Nike, 1992 Barcelona Summer Olympic Games...	77
Figure 3.3 – Pepsi, 1996 ICC Cricket World Cup, India...	77
Figure 3.4 – Reebok, 2008 Beijing Summer Olympic Games...	80
Figure 3.5 – Guinness, 2010 FIFA World Cup, South Africa...	91
Figure 3.6 – Asics, 2010 Los Angeles Marathon...	92
Figure 3.7 – Kulula Air, 2010 FIFA World Cup, South Africa...	101
Figure 3.8 – NVivo Coding Table Excerpt: ‘Ambush Marketing’...	118

Chapter IV

Figure 4.1 – Pepsi, 2010 FIFA World Cup, South Africa...	134
Figure 4.2 – Heineken, 2010 FIFA World Cup, South Africa...	135
Figure 4.3 – Nike, 2008 Beijing Summer Olympic Games...	138
Figure 4.4 – Target, 2010 Vancouver Winter Olympic Games...	139
Figure 4.5 – Puma, 2010 FIFA World Cup, South Africa...	143
Figure 4.6 – Eastwood’s Tavern, Pretoria, 2010 FIFA World Cup, South Africa...	146
Figure 4.7 – DeWalt, Major League Soccer, 2009...	148
Figure 4.8 – Bavaria, 2010 FIFA World Cup, South Africa...	149
Figure 4.9 – adidas, 2008 UEFA European Championships, Austria & Switzerland...	154
Figure 4.10 – Lufthansa, 2006 FIFA World Cup, Germany...	158
Figure 4.11 – Nike, 2008 Beijing Summer Olympic Games...	159
Figure 4.12 – Puma, 2008 UEFA European Championships, Austria & Switzerland...	160
Figure 4.13 – Mars, 2006 FIFA World Cup, Germany...	161
Figure 4.14 – K-Swiss, 2008 ATP/WT A French Open, Roland Garros...	164
Figure 4.15 – Bavaria, 2006 FIFA World Cup, Germany...	166
Figure 4.16 – Hugo Boss, 2009 British Open...	169
Figure 4.17 – Sony, 2010 Vancouver Winter Olympic Games...	170
Figure 4.18 – Nike, 2008 Beijing Summer Olympic Games...	172
Figure 4.19 – Nike, 2010 FIFA World Cup, South Africa...	174
Figure 4.20/4.21 – Nike, 2010 FIFA World Cup, South Africa...	176
Figure 4.22 – Speedo, 2008 Beijing Summer Olympic Games...	180
Figure 4.23 – Lucozade Sport, 2008 Beijing Summer Olympic Games...	183
Figure 4.24 – EDF Energy, 2012 London Summer Olympic Games...	202
Figure 4.25 – Pringles, 2009 ATP/WT A Wimbledon Champions, All England Club...	206
Figure 4.26 – A Model Of Ambush Marketing’s Impact On Sport Sponsorship Management...	209

Chapter I: Introduction

OVERVIEW:

This chapter provides an introduction to the conceptual exploration of ambush marketing, investigating the nature and evolution of ambush marketing, and its impact on sport sponsorship management. Following a brief synopsis of the study's background and rationale, the research's theoretical framework, methodology, and aims and objectives are detailed. The chapter concludes with a breakdown of the study's key findings and conclusions, providing a thorough introduction to the research undertaken and contextualizing the study's formation, direction, and final analysis.

1.1 – An Introduction to Ambush Marketing



(Image: © Nicholas Burton, 2008)

**Figure 1.1 – 2006 FIFA World Cup, Germany
Bavaria Leeuwenhose Campaign**

On June 16th, 2006, the Netherlands and the Côte d'Ivoire met in a group stage match at the 2006 FIFA (Fédération Internationale de Football Association) World Cup in Stuttgart, a game which signaled a new era in sports marketing, and introduced ambush marketing to a global audience. In response to a promotional campaign conducted by Netherlands-based brewery Bavaria – giving away orange, branded 'leeuwenhose' to fans traveling to Germany – thousands of Dutch fans were refused admission into the stadium by FIFA officials and match-day security or forced to watch the match in their

underpants. Bavaria's efforts – and FIFA's subsequent reaction in protecting official sponsor Budweiser against any potential detrimental effects caused by the offending merchandise – garnered international media coverage, both applauding Bavaria's ingenuity and creativity, and condemning FIFA's seemingly draconian sponsorship protection measures (Harding & Culf, 2006; Smith-Spark, 2006; Burton & Chadwick, 2009). More importantly, however, the incident introduced ambush marketing to the world, and propelled the sports marketing industry into a new era of innovation, competition, and protection.

Emerging in 1984 as a result of changes implemented by the 1982 FIFA World Cup and the 1984 Los Angeles Summer Olympic sponsorship programmes, ambush marketing was first defined by Sandler & Shani (1989) as: "A planned effort (campaign) by an organization to associate themselves with an event in order to gain at least some of the recognition and benefits that are associated with being an official sponsor" (p. 11). In response to growing uncertainty regarding the financial security and viability of sporting events in the 1970s and early 1980s, both FIFA and the International Olympic Committee (IOC) implemented major structural reforms to their sponsorship programmes, incorporating rights bundling (the combining of assets and rights owned by the events into comprehensive, inclusive sponsorship packages) and category exclusivity (securing one sponsor from each major product category) into their sponsorship negotiations. These changes served to limit the number of "official" sponsors of their events, and to increase the value of those sponsorships (Sandler & Shani, 1989; Payne, 2005; Maidment, 2006), revolutionizing the sale and distribution of sport sponsorship assets, and encouraging a progressive growth in the marketing value of sports events and properties.

However, in addition to promoting the growth and development of sponsorship, the regulations and restrictions implemented equally drove the emergence of ambush marketing. Whereas prior to 1984 any company willing to pay for the rights to associate with the Olympic Games or FIFA World Cup had the opportunity to do so for a nominal fee; the limited number of official partners permitted within the new framework, and the increased expenditure necessary for official partners to secure an association, instead

forced non-sponsor brands to identify alternative means of affiliating with the events. Category exclusivity encouraged rival brands within the same product group – such as credit card companies, soft drink brands, footwear and apparel manufacturers – into competition for not only the right to sponsor major sporting events, but for the consumer attention, awareness, and goodwill that surround sports properties. Rights bundling restricted the number of potential sponsorship opportunities available to brands, while granting official sponsors additional marketing inventory, and reducing the number of organizations affiliated with the event. Ambush marketing thus evolved as an alternative to official event sponsorship, providing non-sponsors a means to capitalize on the consumer, spectator, and media interest surrounding major sporting events, outside of the parameters and capital costs of official sponsorship.

These changes represent an important development in the management and practice of sponsorship, propelling sponsorship research towards a more theoretically robust and rigorous area of academic study, and progressing sponsorship as a legitimate marketing communications strategy (Meenaghan, 1991b). The Los Angeles Olympics succeeded in providing added exclusivity and prestige to their sponsorship programmes, and increased the value of Olympic sponsorship, raising commercial revenues for the Games and encouraging greater sophistication and professionalism in the management of sponsorship. Consistent changes to the management of sponsorship rights and protection following these developments encouraged a progressive growth in sponsorship investment, granting sponsors more clearly defined, protected, and leverageable rights, and necessitating an increased professionalism in the management of sponsorship agreements and relations (Meenaghan, 1999; Tripodi, 2001; Miles, 2001). As a result, sponsorship expenditures have grown exponentially, rising from an approximately \$2 billion industry internationally in 1984 (Meenaghan, 1991b), to an estimated \$48.6 billion in 2011 (International Events Group, 2012), with further growth projected.

This exceptional financial growth has inspired greater examination of sponsorship practices from an academic perspective, and promoted sponsorship as a research concern within marketing literature. Sponsorship's evolution from philanthropic

venture, to commercial transaction, to key component of corporate strategy and marketing communications, has encouraged the continued investigation of sponsorship's nature, role, and effectiveness as a marketing platform (Meenaghan, 1983; Walliser, 2003; Chadwick & Thwaites, 2005). Key areas of interest, such as event sponsorship's influence on consumer purchase intent and value as an advertising cue (Kinney & McDaniel, 1996; Dean, 1999; O'Reilly, Lyberger, McCarthy, Séguin & Nadeau, 2008), the importance of the perceived fit between sponsor and property (Ferrand & Pages, 1996; Roy & Cornwell, 2003), and the value of image transfer and brand value transference between event and sponsor (Gwinner, 1997; Gwinner & Eaton, 1999; Cornwell, 2008) have provided an important foundation upon which to base sponsorship research, grounding it in the theoretical study of marketing communication and sport marketing. Moreover, the sponsorship literature has provided a platform upon which ambush marketing research has been based, contextualizing the study of ambushing and introducing ambush as a theoretical consideration.

Despite this theoretical basis, however, the study of ambush marketing nevertheless represents a largely underdeveloped area of research within sponsorship and sport marketing literature. While ambush research has thus far provided an initial examination of the nature of ambush marketing, and the potential threats posed to sport sponsorship, the academic study of ambushing has predominantly centered around four major, but ultimately limited, themes: (a) an identification of what ambush marketing is, and discussion of its perceived aims and objectives (e.g., Meenaghan, 1994; Crompton, 2004b; Séguin & O'Reilly, 2008); (b) a quantitative assessment of ambush marketing's impact on sponsorship, exploring the consumer recall and recognition effects of ambushing on sponsorship awareness (e.g., Sandler & Shani, 1989; Meenaghan, 1998a; McDaniel & Kinney, 1996, 1998); (c) a discussion of the ethics of ambush marketing as an illegitimate and parasitic form of marketing (e.g., Meenaghan, 1994; Payne, 1998; O'Sullivan & Murphy, 1998); and (d) an examination of the legal and legislative implications of ambush marketing as an infringement or misappropriation of intellectual property rights, and the identification of potential counter-ambush measures and legal responses available to commercial rights holders (e.g., Townley, Harrington & Couchman, 1998; McKelvey, 2006; McKelvey & Grady, 2008).

While these themes have provided an initial examination of the challenges posed by ambushing marketing, a number of criticisms must be made of the extant ambush marketing literature. First and foremost, there exists a dearth of research into the actual nature and impact of ambush marketing, from a practical, managerial, or strategic perspective. Indeed, no definitive understanding of ambush marketing exists; the academic study of ambushing is based on definitions proposed over two decades ago, and thus predicated on a restricted perspective on the aims, motives, and uses of ambush marketing as a marketing communications tool. Throughout the extant literature, ambush marketing has been understood and researched within the context of outdated, preliminary analyses into ambush marketing's impact on sponsorship. While previous studies have suggested myriad definitions, potential causes, and consequences of ambushing (Sandler & Shani, 1989; Meenaghan, 1994, 1996; Crompton, 2004b; Séguin & O'Reilly, 2008), significant confusion regarding the specific nature of ambush marketing, and what parallels may be drawn between ambushing and other emergent forms of marketing (such as guerilla or parasitic marketing), persists. 'Ambush' has been employed within both academic research and professional practice as a generalized, all-encompassing term, with little agreement between researchers, commercial rights holders, event sponsors, and ambush marketers as to the true nature of ambushing.

Furthermore, ambush marketing research has typically focused on quantifying the perceived effects of ambushing on sponsorship returns, espousing a predominantly parasitic perspective of ambush marketing. Such studies have defined ambush marketing as an aggressive marketing tactic, employed as an intentional attack on a market competitor in an effort to devalue a rival's official sponsorship or to confuse consumers as to whom officially partners an event (Sandler & Shani, 1989; Meenaghan, 1994). However, these studies have proven inconclusive (Lee et al., 1997; Shani & Sandler, 1999), providing little evidence of any detrimental or parasitic effect on sponsorship awareness or recall, and ultimately limiting the theoretical exploration of ambushing and restricting our understanding of the actual nature and impact of ambush marketing.

Ultimately, while the extant research has provided the basis for much of ambush marketing's theoretical investigation, the literature offers little evidence or discussion of its nature, role, or strategic objectives as a form of marketing, and limits our understanding of ambushing's nature, role, and potential impact. Although ambush marketing has existed for nearly three decades as both a professional and academic concern, significant confusion exists regarding ambush marketing's nature and role in sport marketing. There remains a dearth of theoretical investigation into ambush marketing from a conceptual, practical, strategic, or managerial perspective, complicating the study of ambush marketing within academic research. It is this uncertainty that makes the study of ambush marketing of paramount importance for sport sponsorship and event marketing research.

To date, the effects of ambush marketing on sponsorship are unknown; what impact the presence – and increased prevalence – of ambushing has had on sponsorship value, returns, and management, remain undefined. Sport sponsorship revenues today account for upwards of 40% of major event incomes (IOC, 2008), with significant growth expected as major events such as the Olympics, the FIFA World Cup, and the UEFA European Championships extend further into new markets and more lucrative media. Sporting events and properties are increasingly reliant on the financial contributions of official sponsors, necessitating event organizers and commercial rights holders to engage more proactively in protecting sponsors' investments. As such, it is imperative that the effects and potential implications of ambush marketing are better understood, and that greater consideration is given to the impact ambush marketing has had on sponsorship management.

With these limitations in mind, this study seeks to explore ambushing from a theoretical perspective by developing a conceptualized understanding of ambush marketing and examining the managerial implications of ambush marketing for sport sponsorship. Without fully understanding the nature, role, and evolution of ambush marketing as a marketing communications strategy, it is impossible to truly assess the impact ambush marketing has had on official event sponsorship, and what potential remedies or lines of recourse are available to rights holders and sponsors. By examining the nature,

definition, and underlying strategy behind ambush marketing, and further investigating the impact of ambushing on sponsorship management over the past thirty years, this study provides renewed insight into the true nature of ambushing and contributes a new understanding of the dynamic, innovative, and strategic measures taken by ambushers to capitalize on the marketing value of sport.

1.2 – Research Aims & Objectives

In approaching the study of ambush marketing from a conceptual perspective, and grounding the study in the practical realities of ambush marketing and sport sponsorship, this research seeks to address the central research question: “*What is the nature of ambush marketing, and what effect has it had on the management of sport event sponsorship?*” Whereas previous studies have taken for granted ambush marketing’s nature and definition, the evolution in strategy evident over the course of the past thirty years necessitates a broader perspective of ambush marketing as a unique and dynamic marketing form, and requires greater theoretical and conceptual exploration. As such, this study aims to conceptualize ambush marketing as a strategic form of marketing communications, exploring the role ambush marketing plays in contemporary sport marketing, and the potential strategy and motivation behind modern ambush campaigns.

A number of factors have influenced this direction, and informed the study’s focus on sport sponsorship. First, the study’s emphasis on sport event sponsorship reflects ambush marketing’s predominance in sport and prevailing presence around sporting events. Few examples of ambush marketing exist outside of sport: although competition for sponsorship occurs in all domains that benefit from the investment of corporate partners – including music, theatre, festivals, and the arts – ambush marketing has principally manifested within sport sponsorship, as a result of sport’s broader appeal and reach as a marketing communication medium. Moreover, ambush marketing has typically been most overt around major sporting events, such as the Olympics, the FIFA World Cup, or the UEFA European Championships. While ambush marketers have successfully targeted other events and properties, ranging in size, stature, and

international prominence, the study of major sporting events provides this research with an important contextual framework upon which to build.

Finally, this study seeks to address a fundamental limitation of ambush marketing research and to examine the implications of ambush marketing for sport sponsorship management. Ambush marketing and sponsorship management research to date have focused predominantly on the efforts of rights holders to protect against ambush marketing, overlooking the potential effects on sport sponsorship, and any possible impact of ambushing on sponsorship management. This study instead takes a cross-sectional perspective, exploring the developments and changes experienced within sport sponsorship management as a result of – and in reaction to – ambushing, extending the study of sponsorship management and ambush marketing, and building upon the relatively minimal theoretical framework that exists.

In undertaking this research, a series of research objectives facilitating the exploration of the relationship between sponsorship and ambushing have been set, which have informed the study's final methodological design. This study seeks:

- To critically analyze the existing sponsorship and ambush marketing literatures, contextualizing the study of ambush marketing within marketing communications;
- To assess the current sponsorship market, in order to identify and expand upon the environment surrounding sponsorship, and the factors that have directed and influenced ambush marketing's development, evolution, and success;
- To conduct a thorough documentary analysis of news, print, online, and multi-media sources, and to develop a unique ambush marketing case database, in order to identify and characterize previous ambushing themes and strategies;
- To undertake data collection among commercial rights holders, sponsors and sporting properties to establish current and previous practices in the areas of ambushing and counter-ambushing in professional sport;
- To examine the current concerns of sponsors, property rights holders, and sponsorship consultants, in order to establish current and previous practices in the areas of sport sponsorship, ambush marketing, and counter-ambushing;
- To conceptualize – within the context of sport sponsorship – what ambushing is, how it works, why it is done, and what forms or strategies it takes;

- And finally, to explore the impact of ambush marketing on sport sponsorship management and investigate the managerial implications for sport sponsors from a practical, strategic, and relational perspective.

1.3 – Research Methodology

In contrast to the predominantly positivist methodologies employed throughout the extant ambush marketing literature, this study adopts a grounded theory approach, which affords the opportunity to better explore ambush marketing from a theoretical, conceptual, and practical perspective. Grounded theory offers a philosophical and methodological approach to the development and refinement of theory, exploring research phenomena and social constructs from a practical and applied perspective, and allowing theory to emerge from within the data collected, independent of existing theory or bias (Glaser & Strauss, 1967; Strauss & Corbin, 1998). The methodology employed is designed to explore and refine a conceptualized theory of ambushing, investigating the nature and role of ambush marketing in sport marketing, and examining the implications of ambush for sport sponsorship management.

Unlike more prescriptive or structured methodologies, grounded theory calls for a dynamic and resourceful research approach, collecting and analyzing all available and relevant data. As such, individual phases of data collection and analysis have informed subsequent stages, in order to exhaust available data sources and achieve theoretical saturation (Glaser & Strauss, 1967; Strauss & Corbin, 1998). The methods employed – including a documentary analysis and both exploratory and in-depth interviews – provide a comprehensive look into what ambush marketing is, what forms it takes, and what impact it has had on sponsorship management. The final methodology employed here consists of three research phases (*see Table 1.1*), each designed to address the set research aims and objectives, and to construct a cross-sectional conceptualization of ambush marketing, exploring the nature and implications for sport sponsorship and examining the evolution and strategic development of ambush communications.

First, an extensive documentary analysis was undertaken, in order to provide a contextual perspective of ambush marketing's evolution and growth, and an initial framework upon which to build the study. The analysis drew upon 1,870 sources

relevant to the study of ambush marketing and sport sponsorship, including print media, web-based news sources, legal documentation, television advertising media, and peer-reviewed journal articles, as well as first-hand observations and personal accounts of ambushing at major events. Given the confusion that has surrounded ambush marketing's nature and its impact on event sponsorship, a broad perspective was taken in collecting and analyzing data sources, extending the search to include guerrilla marketing, parasitic marketing, and broadcast sponsorship. Although each represent distinct forms of marketing, ambush marketers have historically employed a wide variety of methods and tactics (as evidenced by the earliest cases collected, and the extant academic literature), necessitating an expanded view of the event marketing industry, and greater consideration given to the inclusion of non-ambush-specific documentation.

Table 1.1 – Tabulated Summary of Methodology

	Research Contribution	Sample Size	Research Aims Addressed
Phase (1)	The development of a unique Ambush Marketing Case Database, providing a historical perspective on ambushing	Undefined	Analysis of current sponsorship market; construction of a unique database of ambush marketing
Phase (2)	A series of preliminary, exploratory semi-structured interviews, designed to gauge the opinions of industry practitioners, and identify the relevant contemporary issues surrounding ambush marketing	12 respondents	Contextual analysis of current sponsorship environment; cross-stakeholder perspective of practices in ambush marketing and sponsorship protection
Phase (3)	Following a comprehensive analysis of the results from Phases I and II, a series of in-depth practitioner interviews were undertaken to explore the nature and role of ambush marketing in sport sponsorship, and identify key implications of ambush marketing on sponsorship management and relations	11 respondents	The development of a theoretically grounded and legitimized conceptualization of ambush marketing; the construction of a typology of ambush marketing strategy, elaborating the dynamism and complexity of contemporary ambush marketing practices; the identification of key managerial responses and future directions in sponsorship

Ultimately, the aim of the analysis undertaken was not to provide a detailed review of the content collected, but rather to construct a database of ambush marketing examples in order to contextualize the study's understanding of ambush marketing and illustrate the scope, scale, and impact of ambushing within the sport sponsorship industry. Sources and ambush cases from North America, Europe, Oceania, Africa, Asia, and South America informed the construction of the final database, reflecting the international nature of major sporting events, and the global scale of ambush marketing and sport sponsorship. The final database documents the dates, events, official sponsors, ambushers, and the strategies taken both to ambush the event and to protect against ambushing for 550 instances of major event ambushing. The cases observed and analyzed grounded the study in the practical reality of ambushing, and served to refine and inform the study's view and understanding of ambush marketing strategy from a professional and conceptual perspective.

Following the construction and analysis of the ambush case database, a second preliminary research phase was designed, consisting of a series of twelve semi-structured interviews with industry professionals and academic researchers, exploring their knowledge of, and experience with, ambush marketing and sport sponsorship. These interviews served to develop a broader understanding of the nature and impact of ambush marketing, examining the managerial effects of ambush campaigns on major event stakeholders, and canvassing the knowledge and opinions of sponsorship practitioners regarding ambush marketing's evolution and presence in the sport marketing industry. Subject experts were selected based on experience, either direct or indirect, with ambush marketing at both the strategic and tactical levels across a variety of sports. The interviews followed a grounded theory methodology, examining the practical concerns and challenges faced by sponsorship professionals, and further investigating the experiences of sponsorship executives (Glaser & Strauss, 1967; Strauss, 1987; Strauss & Corbin, 1990; Strauss, 1992; Goulding, 2001). Key themes, such as the nature of ambush marketing, the parallels between marketing and law present in ambush practices, and the legitimacy of ambushing as an alternative to official sponsorship, guided the interviews, and provided a basis for further analysis

of the case database and additional insight into the role of ambushing in the international sponsorship industry.

Finally, following an extensive analysis of the study's preliminary findings, a third phase of study was designed, comprising eleven in-depth, expert interviews with sponsorship executives. These interviews were designed to delve deeper into the perceptions, understandings, and experiences of sponsors regarding ambush marketing, the evolution of sponsorship, and the impact ambush marketing has had on sponsorship management. As such, they provide a detailed analysis of the nature, role, and implications of ambush marketing. Sponsorship executives with known experience in both sponsorship and ambush marketing were canvassed, providing a thorough and rigorous theoretical framework upon which to build the study's final analysis. Given the size and scale of the sponsorship industry, and the potentially contentious or controversial nature of ambush marketing, convenience sampling was employed, affording the opportunity to speak to key informants with expertise in sponsorship management and familiarity in working with or protecting against ambush marketing. The exploratory approach taken provided a means of examining the constructs and concepts emergent within the preliminary stages of analysis, informing a new theory of ambush marketing as a diverse and dynamic form of marketing communications. Distinct and discrete categories of ambush strategy emerged, inspiring a multi-dimensional, typological approach to the final analysis. Following the renewed examination of the ambush case database, a unique typology of ambush marketing strategy was built, providing the basis for a theoretical conceptualization of ambush strategy.

The final methodology employed represents a unique approach to the study of ambush marketing and a departure from traditional ambush marketing research. Past studies have relied heavily upon positivist methods to examine the effects of ambush campaigns on sponsorship returns, or presented a brief or introductory discussion of the existing research and potential implications of counter-ambush measures enacted by rights holders. The methods employed here afford a more effective and efficient means of investigating ambush marketing theoretically, providing an opportunity to

contextualize and conceptualize ambush marketing within the contemporary sports marketing and sponsorship environment. This research therefore presents the first conceptual examination of the nature, roles, and aims of ambush marketing, and provides a renewed perspective of the challenges posed by ambushing, and the potential opportunities sought by ambush marketers: key contributions to the continued study and theoretical exploration of ambush marketing.

1.4 – Analysis & Discussion

The study's findings represent an important direction in sponsorship and ambush marketing research, providing an extensive look into the strategic and theoretical basis of ambush marketing. Whereas the earliest definitions of ambushing highlighted the aggressive, parasitic nature exemplified by ambushers of the 1984 Olympic Games (such as Kodak's ambush of rivals Fuji, or Nike's ambush of official sponsor Converse), based upon the examples analyzed and expert practitioners interviewed, this study argues that contemporary ambushing represents a strategic and dynamic marketing communications alternative, comprising a range of unique and discrete strategies and marketing communications opportunities.

Fundamental to this understanding of ambush marketing is the development of a theoretical conceptualization of ambush marketing communications, which explores the dynamic, strategic, and capitalistic nature of ambushing. Historically, ambush marketing has been perceived within the sponsorship literature as a largely homogenous, 'attack-minded' marketing tactic aimed at devaluing a rival's official sponsorship or confusing consumers as to who officially sponsors an event (Sandler & Shani, 1989; McKelvey, 1992; Meenaghan, 1994; Payne, 1998). By contrast, contemporary ambushing represents a considerably broader, more diverse and strategic set of opportunities, methods, and media, designed to capitalize upon the consumer awareness and attention afforded to sponsors, and leverage against the latent marketing value of sporting events (and affiliated properties). The efforts of ambushers reflect a more deliberate, measured, and ambitious approach than previously considered, underlining the conceptualization developed herein and informing this study's construction of a unique typology of ambush marketing strategies – ranging from the

direct attack of one organization on a rival, to the unintentional association of a company with an event due to reputation or past marketing efforts.

The final typology created consists of ten distinct and discrete forms of ambush marketing based on the examples collected and analyzed within the ambush case database and the strategies and methods discussed throughout the practitioner interviews undertaken. These types represent a contemporization of previous categorizations of ambush marketing by Meenaghan (1994, 1996) and Crompton (2004b), which described the marketing media and opportunities most commonly exploited by ambush marketers. While those categories proposed afforded a preliminary understanding of the tactical approach taken by ambushers, the typology created here represents a multi-dimensional perspective of the strategy, media, opportunities, and methods employed by ambushers. The types created serve to modernize and expand upon the earlier proposed categorizations, and describe a more dynamic, creative, and strategic understanding of ambushing than previously understood.

The significance of this typology should not be understated. Whereas historically, ambush marketing has been perceived as a threat to sponsorship by attacking and devaluing the investments made by official partners, the creativity and strategy of ambush marketers identified here presents a considerably broader challenge for sport sponsors. Rights holders and sponsors have typically relied upon retroactive, reactionary protection measures to combat ambush marketing, employing legal and legislative protection in order to counter the efforts of ambushers. However, even in targeted instances such as predatory ambushing, where a direct link exists between sponsor and ambusher, the additional clutter caused by ambushing, and the added complexity within the sponsorship landscape as a result of ambush marketing communications, necessitates that ambushing be understood as and managed for from a much broader, more collective perspective than ever before. This more complex, strategic perspective of ambushing suggests that existing counter-ambush activities are insufficient in protecting against ambushing, and highlights the need for greater accountability and awareness on the part of sponsors in defending against ambush marketers. Despite the best efforts of rights holders to protect the marketing landscape

around major events, and the employment of anti-ambush legislation and intellectual property rights legal protection, ambush marketing remains a real and growing threat to sport sponsorship.

In examining the managerial effects of ambushing on sponsorship more closely, a series of significant changes and adaptations within sponsorship practice have been identified. The managerial implications explored – and resultant model created – provide a practical perspective into the impact of ambush marketing on sponsorship management that emphasizes the effects of ambush marketing on sponsorship strategy, activation, protection, and relations, and affording an initial investigation into the effect ambush marketing has had on sport sponsorship management. The model developed evidences a pronounced shift in sponsorship relations towards a more collectivist approach within sponsorship programmes, requiring sponsors to collaborate more effectively with both commercial rights holders and fellow sponsors, better protecting against ambush marketing and creating stronger, better leveraged sponsorship agreements.

This study's findings suggest that sponsors and rights holders must endeavor to manage better their own interrelations, and collaborate more effectively and strategically to secure the event sponsorship environment against ambush marketers and better activate their own partnerships. The model created and concepts explored emphasize a more collaborative, strategic, and proactive approach to sponsorship management than previously understood, which is reflective of the dynamic and progressive changes experienced in ambush marketing strategy in recent years. While early definitions and understandings of ambushing expressed a brand-centric, ambusher versus sponsor perspective (Sandler & Shani, 1989; Meenaghan, 1994; Payne, 1998), the conceptualization of ambushing constructed here indicates a more collective impact of ambushing on sponsorship programmes that necessitates an evolution in sponsorship management, relations, and protection. Indeed, sponsorship appears headed towards a new direction, adopting a more synergistic, collective approach, and embracing a more cooperative and combined perspective on sponsorship leveraging and ambush marketing protection.

This development has encouraged a shift in the strategic, legal, marketing, and protection management of sponsors, and heightened the need for relationship management between sponsorship partners. The management concepts identified – with particular emphasis on strategic, relationship, and sponsorship-linked marketing management – highlight this trend towards a more collective approach within sponsorship programmes, encouraging partners and co-sponsors to better manage their relations throughout the sponsorship process. The industry experts interviewed stressed the need for improved selection, planning, protection, and activation in major event sponsorship relations. Given the dynamic evolution experienced in ambush marketing in response to such measures, and the increasingly sophisticated nature of event sponsorship, the model constructed provides an initial look into the fundamental management concerns necessary to combat and protect against ambush marketing.

1.5 – Publication

This study takes the first important step in understanding and articulating the nature of – and threat posed by – ambush marketing, constructing a theoretical conceptualization of ambushing as a form of marketing communications strategy and exploring the managerial implications of ambush marketing for sport sponsorship. While ambush marketing remains a largely nascent and introductory area of interest among academics, practitioners, and the media, this study sheds new light on the impact, development, and nature of ambushing, and encourages a broadened perspective on the challenges faced and opportunities presented within sport marketing. As a result, the study's findings have informed a greater appreciation of ambush marketing within the academic and practitioner communities, earning a series of scholarly publications and garnering international media attention – including *The Economist*, the *Financial Times*, and *Bilan*, as well as online and print news media across North America, Europe, and Asia. The coverage received illustrates the undeniable growth in interest and awareness of ambush marketing surrounding sporting events, and highlights the significance and importance of the study's findings within the professional community.

Furthermore, following the study's preliminary phases of analysis, an investigation into the protective measures employed by rights holders and official sponsors in combating

ambush marketing titled ‘Ambush marketing in sport: an analysis of sponsorship protection means and counter-ambush measures’ was published in the *Journal of Sponsorship* in 2009. Corresponding papers delivered for the 2008 European Association for Sport Management and 2009 Play The Game conferences, and a book chapter titled ‘Ambush Marketing in Sport: An Assessment of Implications and Management Strategies’, in Ambush Marketing – Concepts and Experiences (2009), further extended the research’s reach and scope, examining the direct impact ambush marketing has had on European sport. These analyses proved a catalyst for the study’s development and direction, emphasizing the predominantly retroactive, reactionary counter-ambush measures employed by commercial rights holders over time, and highlighting the need for the adoption of a more strategic, proactive, and collective approach to the defense of major event sponsorship.

Likewise, the study’s preliminary investigation of ambush marketing’s nature, definition, and evolution informed a deeper exploration of ambush marketing’s emergent creativity and dynamism as a form of marketing communications, elaborated in an *MIT Sloan Management Review/Wall Street Journal* article titled ‘Ambushed! New Definitions for Ambush Marketing’ (2010). Subsequent presentations for the 2009 European Association for Sport Management, 2010 North American Association for Sport Management, and the 2010 Université Paris Descartes Colloque International: Football, Europe, et Régulations expanded upon ambush marketing’s aims and objectives, and resulted in the publication of a second book chapter, titled ‘Confusion, Creativity, and Interventionism: The Rise of Ambush Marketing in Football’, printed in 2011’s Football, Europe et Régulations. Finally, this examination of ambushing’s evolution and growing strategic diversity further led to the initial construction and refinement of a unique typology of ambush marketing strategy, explored in ‘The Evolving Sophistication of Ambush Marketing: A Typology of Strategies’, printed in the *Thunderbird International Business Review* in 2011. Detailing the initial stages of analysis and typology development, the article introduces the evolution of ambush marketing as a strategic form of marketing communications, providing an alternative to official sponsorship and presenting both sponsors and rights holders with a significant managerial challenge.

Ultimately, the attention and recognition given to this study's results evidence the immediate and immeasurable contribution to the study of ambush marketing this research has made, updating the academic investigation of ambushing as a form of marketing communications, and introducing a more evolved, strategic, and grounded perspective of ambush marketing to a broader audience. Given the increased attention afforded to ambush marketers at and around major events following Bavaria's actions at the 2006 FIFA World Cup, this study's findings present the opportunity to re-imagine ambush marketing and sponsorship management, not as prescribed and detailed in previous studies, but rather as an emergent and developing area of marketing theory in need of greater theoretical understanding and scientific conceptualization.

1.6 – Breakdown of the Study

This study is designed to address a number of significant limitations within the sport sponsorship and ambush marketing literatures, endeavoring to construct a theoretical conceptualization of ambush marketing and explore the managerial implications for sport sponsors. The remainder of this dissertation is divided into four chapters, detailing the theoretical and contextual framework upon which the study is based, the philosophical and methodological considerations taken in designing and conducting the study, the analytical process and discussion of findings, and the final conclusions and recommendations made. The study is thus broken down as follows:

Chapter II: Theoretical Framework provides an extensive critical analysis of the existing sponsorship, sport marketing, and ambush marketing literatures, contextualizing the academic contributions of the study, and examining the existing theoretical and analytical infrastructure underpinning ambush marketing theory.

Chapter III: Research Methods explores the philosophical and methodological considerations taken in the design and undertaking of the study. Following a brief discussion of the paradigmatic approach taken, the core phases of research and analysis are examined in-depth, providing a thorough review of the research methods employed, and an analysis of the study's preliminary findings.

Chapter IV: Analysis & Discussion of Results presents and explores the study's findings, examining in-depth the nature and strategy of ambush marketing. A new typology of ambush marketing is developed, that conceptualizes ambushing as a strategic and dynamic form of marketing communications, and explores the varied and complex methods, strategies, and motivations that define ambush marketing. The impact of ambush marketing on sponsorship management is then investigated, assessing the implications of ambushing for sponsors and constructing a model of sponsorship management reflective of the evolution and impact of ambush marketing. This discussion concludes with the identification of a new direction in sponsorship management and relations that emphasizes the emergence of a more synergistic, collective approach to sponsorship management and protection.

Chapter V: Conclusion & Recommendations offers a review of the research, revisiting the study's core findings and noting the significant theoretical, practical, and academic contributions of the work. The study concludes with a series of recommendations and future directions for ambush marketing and sponsorship management research, stressing the importance of continued study into the nature and strategy of ambushing, and highlighting the dynamic nature of both ambushing and sponsorship.

1.7 – Conclusion

This study presents a theoretical conceptualization of ambush marketing, building upon the extant ambush marketing literature and exploring the implications of ambush marketing on sport sponsorship management. Historically, the study of ambush marketing has been rooted in the perceptions, opinions, understandings and experiences of practitioners and academics that are over two decades old. Although the extant literature has offered an introductory look into the legal and ethical implications of ambush marketing, and sought to identify potential counter-ambush measures available to commercial rights holders in protecting sponsorship, there remains a dearth of research into the actual nature, role, strategy, and implications of ambush marketing.

In constructing a grounded theory of ambush marketing, this study addresses arguably the most significant limitation within ambush marketing literature, thereby contributing

a new understanding of what ambush marketing is and what forms it takes. The proposed definition and typology evidence an innovation and sophistication within ambush marketing previously unexplored in academic research. Ambushing has evolved into an opportunistic, capitalistic form of marketing communications strategy, exploiting marketing opportunities around major events, and identifying new and innovative means of seeking to benefit from the marketing value of sport. This view ultimately presents sponsorship stakeholders with a new perspective into the management and protection of sponsorship, and the challenges posed by ambush marketers, signifying an important new direction in sponsorship and ambush marketing research.

Chapter II: Theoretical Framework

OVERVIEW:

This chapter provides a critical review of the theoretical literature underpinning the study of ambush marketing. Following an introduction to the contemporary sport sponsorship industry and the evolution of sponsorship as a marketing communications alternative, the sponsorship and ambush marketing academic literatures are examined, providing a critical review of the key theoretical considerations and research directions. The relevance and contribution of each body of literature is assessed, highlighting the core conceptual considerations of the research, and affording the study a theoretical framework upon which to build.

2.1 – Ambush Marketing and Sport Sponsorship: An Introduction

The study of ambush marketing is fundamentally grounded in the theoretical discussion of sponsorship. First emerging in response to changes made in the delivery and organization of sponsorship in the 1980s, ambush marketing's rise has coincided with a progressive growth in sponsorship – both financially and managerially. In exploring sport sponsorship's development, and the factors that have defined and encouraged ambush marketing's progressive growth over the course of the past three decades, this chapter aims to contextualize sport sponsorship as a framework for ambushing and examine the theoretical literatures regarding sport marketing, sponsorship, and ambush marketing theory.

Given the nature of ambushing, and its predominance at and around major sporting events, this study takes particular focus on sport event sponsorship, and the implications for official event sponsors (including affiliated properties within an event's extended corporate family, such as participating clubs, nations, member associations, athletes, etc.). While sponsorship exists as an important source of revenue and an increasingly valuable marketing opportunity within other industries (e.g., the arts, festivals, music, etc), based on ambushing's frequent and much-publicized use in sport, and comparatively minor role in other industries, the study of sport sponsorship provides an invaluable theoretical foundation upon which to build. In establishing a preliminary understanding of the issues, challenges, and considerations implicit to the discussion of ambush marketing and sponsorship management, sport event sponsorship provides an important contextual framework for this research.

2.1.1 – The Sponsorship Industry

Over the course of the 20th century, sponsorship evolved from a predominantly philanthropic activity to a key component of marketing communications (Desbordes & Tribou, 2007). This evolution encouraged a progressive development within sponsorship practices, and inspired an unprecedented period of financial and economic growth within the sponsorship industry. Whereas in 1984, the global sponsorship industry was estimated to be worth \$2 billion (Meenaghan, 1991b), the International Events Group calculated the global sponsorship market for 2008 to value approximately \$43.5 billion (International Events Group, 2008), a growth of \$19.1 billion since 2002 alone (International Events Group, 2006). Although estimates vary, sport accounts for approximately 50-75% of all sponsorship investment worldwide, with particular emphasis on major international properties such as the IOC Summer and Winter Olympics, the FIFA World Cup, and the UEFA (Union of European Football Associations) European Championships (Mintel, 2006).

Such calculations are largely conservative estimates, as not all sponsorship expenditures are made public by companies or sports properties, particularly those at sport's lower levels, and few details of major sponsorship investment are disclosed; these factors make an exact calculation of sponsorship revenues unfeasible. Nevertheless, sponsorship reports have consistently evidenced a progressive growth in sponsorship's global value, rising exponentially over the past two decades (International Events Group, 2008). At a national level, the value of sport within overall sponsorship expenditures is dependent upon a number of important factors – including the size of the domestic sports industry, the staging of major events, and the commercial value of national sports leagues, teams, and federations. In the United Kingdom, for example, sport sponsorship in 2006 was estimated to be worth £478 million, growing to approximately £600 million in the period leading up to the London 2012 Olympic Games (Keynote, 2007). By contrast, Mintel's (2006) analysis of the British sponsorship market estimated the industry's 2006 total value at £871 million, with sport accounting for approximately 55% of all sponsorship investment. Despite the discrepancy in valuations, such estimations of sport sponsorship's worth nevertheless provide an important perspective into the value of sport within the sponsorship industry.

From a sport sponsorship perspective, the growth in investment in Britain most prominently reflects the perceived and expected value of major event sponsorship. Of the eighteen largest British-based sponsorship contracts agreed in 2006, twelve were contracted with a major sporting event, participating national team, or federation, while only two domestic-league sponsorships agreements featured among the top twenty (Intel, 2006). In preparation for the London 2012 Olympics, for example, Adidas in 2007 agreed a \$200 million agreement with the London organizing committee (LOCOG); British companies EDF and Lloyds each signed sponsorship contracts committing \$160 million in order to secure association with the Games (The Economist, 2008). Globally, the impact of events such as the Olympic Games and the FIFA World Cup on event sponsorship investment is irrefutable. International Olympic sponsors, whose agreements grant worldwide marketing rights in association with the Games over a four-year period, combined for \$866 million for the 2006 Turin Winter and 2008 Beijing Summer Olympics (The Economist, 2008). In total, sponsorship investment accounts for approximately 40% of all IOC revenues, with continued growth projected as sponsorship agreements for the Sochi 2014 and Rio 2016 Games are agreed (IOC, 2008).

FIFA, the international governing body of football, has equally benefited from the proliferation of event sponsorship spending in recent years. Among the first international sport organizations to implement a formalized sponsorship program in the late 1970s and early 1980s, FIFA's gains from sponsorship have encouraged a progressive development within their sponsorship activities, affording greater protection to sponsors, better regulating the rights and opportunities available, and securing increased investment from corporate partners. In preparation for the 2010 World Cup in South Africa, FIFA announced plans to restructure their sponsorship platform, reducing the number of international-level sponsors from fifteen to six, with the value of World Cup sponsorship expected to rise from between £25 to £40 million per company, to in excess of £75 million (Intel, 2006). This change followed the 2005 announcement of a seven-year partnership with Coca-Cola for all FIFA events and properties, including the 2010 World Cup, worth an estimated \$500 million (Viscusi, 2006), an unparalleled investment in world football. In total, marketing turnover during the period 2003-2006

exceeded 1 billion CHF, accounting for more than one-third of FIFA's gross revenues (FIFA, 2007). These figures stand in stark contrast to FIFA's early sponsorship revenues: in 1982, following the creation of their original sponsorship programme, FIFA earned a total of only \$19 million from its nine official sponsors – less than half what individual partners commit today (Lash & Lury, 2007).

2.1.2 – The Evolution of Sponsorship

A number of reasons exist for sponsorship's remarkable growth over the past three decades. First, sponsorship's development has not occurred in a vacuum; the evolution of sport as a globalized and commercialized industry has driven the value of sponsorship, as television broadcast rights, event ticket prices, and technological advances have pushed sport forward into the new millennium. According to recent estimates, the global sports industry is projected to be worth in excess of \$141 billion by 2012, and growing (Klayman, 2008). The commercial viability of sport, consumer and media attention granted to events, leagues, and athletes, as well as the increased marketability of sport, have encouraged sponsorship's development as a principal means of capitalizing on the latent marketing value of sport.

Furthermore, this recent financial growth is reflective of a larger evolution in sponsorship. Sponsorship is widely acknowledged as having originated during the Roman Empire, as patriarchs and landowners used the sponsoring of chariot races and gladiatorial contests to gain the favour of the emperor (Desbordes & Tribou, 2007). The shift from a philanthropic paradigm, towards a more transactional-focused approach, dates back to mid-19th century sponsorship activities, beginning in 1861 with an English cricket tour of Australia, sponsored by Spiers & Pond (Meenaghan, 1991a; Cornwell & Maignan, 1998; Meenaghan & Shipley, 1999). Following a substantial rise in profits enjoyed by the sponsors as a result of the tour, the industry grew in popularity with sport as a primary avenue for sponsors to target (Central Council of Physical Recreation, 1983). While sponsorship grew incrementally over the century preceding the 1960s, subsequent changes in the structure and organization of commercial partnerships by rights holders in the 1980s succeeded in re-shaping sponsorship as a significant source of revenue for events and properties, inspiring greater sophistication

and strategy in its management and delivery (Meenaghan, 1983; Sandler & Shani, 1989; Payne, 2005). Unlike earlier, more charitable views of sponsorship, the move towards a commercial focus reflected the recognition and realization of value in sponsorship beyond encouraging goodwill through benevolent donations (Meenaghan, 1991a).

Much of sponsorship's most recent evolution can be attributed to the reformation of FIFA and the IOC's sponsorship programmes in the 1980s (Sandler & Shani, 1989; Maidment, 2006; Payne, 2005). Due to political unrest and financial constraints experienced by the Olympics in the late 1970s and early 1980s, the IOC sought to reform their sponsorship practices for the Los Angeles Games as a means of financially stabilizing the Games (Payne, 2005). The 1984 Olympics, under the stewardship of organizer and businessman Peter Ueberroth, implemented a series of changes to the Olympic sponsorship and broadcasting programmes, commercializing the Games and providing the Olympics with a sustainable financial platform upon which to build. Among the most significant changes implemented by Ueberroth and the Los Angeles organizers was a complete re-structuring of Olympic sponsorship. Whereas prior to Los Angeles, Olympic sponsorship was organized on an open, unrestricted basis, allowing interested parties to associate themselves with the event for a payment, financial or in kind, the 1984 Olympics pioneered the employment of category exclusivity and rights bundling, limiting the number of official partners, and driving the value of individual partnership agreements (LaRocco, 2004).

The implementation of category exclusivity limited the number of official partners for the Games, selecting one official sponsor per product or market category (e.g., credit cards, restaurants, sportswear and apparel, non-alcoholic beverages, beer, etc.). This created an auction between rival corporations for the right to sponsor the event, driving the cost of sponsorship, ensuring exclusivity and prestige for the successful brand, and protecting the sponsor from competition within the event's corporate family (LaRocco, 2004). The bundling of rights offered sponsors additional advertising or marketing inventory, granting official sponsors additional activation opportunities and added value for their investment. Prior to 1984, individual marketing media or opportunities were negotiated independently, resulting in a reported 628 official partners at the 1976

Montréal Olympics (CBCNews.ca, 2006). Following the re-structured sponsorship programme implemented by Ueberroth and the 1984 organizers, the number of brands officially partnered with the Games was reduced to only forty-three.

The reforms enacted by Ueberroth and the Los Angeles organizing committee made the 1984 Games the most successful in Olympic history to that point, earning a \$250 million surplus, and inspiring changes throughout the sport sponsorship industry (LaRocco, 2004). The IOC created the TOP (The Olympic Programme, since renamed The Olympic Partners) sponsorship platform, combining category exclusivity, rights bundling, and a multi-tiered sponsorship framework. Noted former IOC marketing director Michael Payne, “The idea of the TOP Programme was blissfully simple: to bundle all the rights together – the IOC, the Winter Olympic Games, the Summer Olympic Games and the then 156 National Olympic Committees – into a single four-year exclusive marketing package” (Payne, 2005, p. 18). Following the enactment of TOP, Olympic sponsorship has grown exponentially – from \$56.5 million in total sponsorship revenues at the 1980 Lake Placid Games, to over \$850 million in 2002 for the Salt Lake City Games (Payne, 2005). Moreover, the changes enacted in the early 1980s led to the adoption of a more relational, focused, and cooperative paradigm in sponsorship, embracing a more collective and collaborative approach to sponsorship relations between sponsors and rights holders in building, promoting, and protecting sponsorship (Olkkonen, Tikkanen & Alajoutsijärvi, 2000; Olkkonen, 2001; Chadwick & Thwaites, 2005)

However, despite the commercial success enjoyed by the Los Angeles Olympics, these changes equally encouraged the development of ambush marketing, giving rise to non-sponsoring brands identifying and exploiting alternative means of affiliating with the event. Whereas prior to 1984, market rivals (such as Pepsi and Coca-Cola, Nike and Converse, or McDonald’s and Wendy’s) could each partner the Games, the sponsorship programme created by Ueberroth forced those brands unsuccessful in negotiating official sponsorship agreements to employ competitive marketing tactics – termed ambush marketing – pitting market rivals against one another for consumer attention and awareness. Ambush marketing has since developed as an alternative to sponsorship,

affording brands an opportunity to leverage an association with an event or property, seeking to accrue the same image, awareness, and attitudinal benefits sought by sponsors (Sandler & Shani, 1989; Meenaghan, 1994, 1996). In providing non-sponsors a means of associating with an event without the substantial capital expense demanded of official sponsors, ambush marketing has become a major threat to the investments made by sponsors, potentially devaluing sport sponsorship by cluttering the marketing environment and creating added competition for official sponsors.

2.2 – The State of Sponsorship Research

In response to the evolution and economic growth experienced within the sponsorship industry over the course of the 20th century, academic interest in sponsorship has increased, delving further into the management of sponsorship, the science behind sponsorship's value and effectiveness, and its role within sport marketing. The extant research affords a foundation upon which ambush marketing research is based, and reveals a number of principal considerations and areas of interest within sport sponsorship worthy of further investigation.

2.2.1 – Sponsorship and Sport Marketing Communications

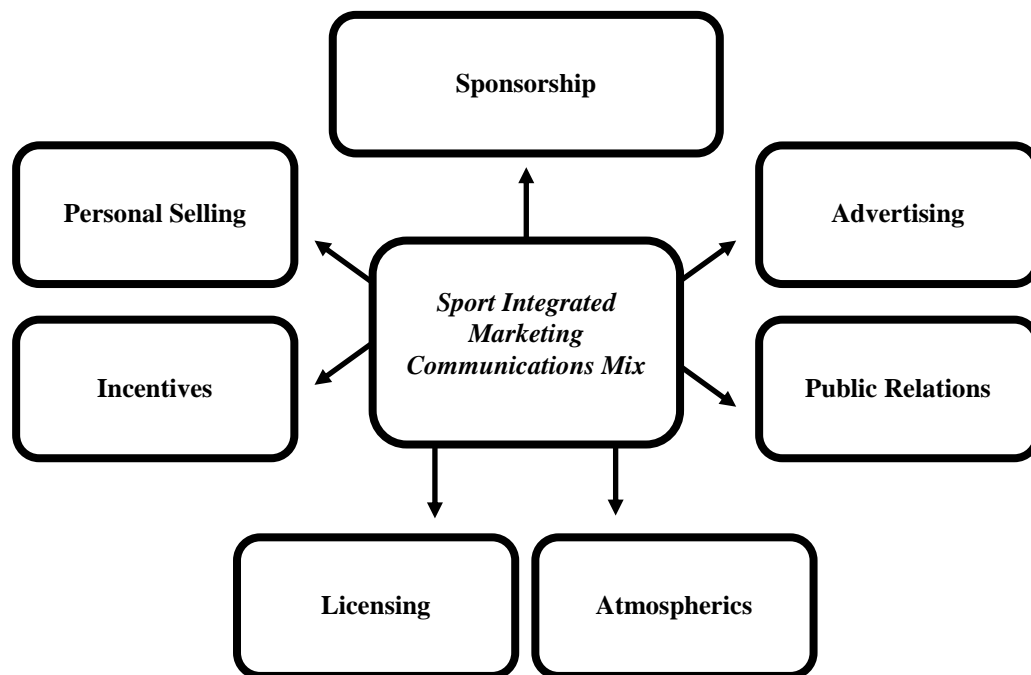
Fundamental to the theoretical discussion of sponsorship, and underlying its development over the past thirty years, has been the recognition of sponsorship's value as a form of marketing communications, and its emergence as a core component within sport marketing. Contemporary sponsorship represents a key part of the marketing communications mix, and an integral platform within sports marketing (Desbordes & Tribou, 2007). Also known as the promotional mix (an extension of Promotion, one of the four P's of the traditional marketing mix), "marketing communications represent the voice of a brand and the means by which companies can establish a dialogue with consumers concerning their product offerings" (Keller, 2001, p. 823). While the standard marketing mix comprises five core components – advertising, personal selling, promotion, direct marketing, and public relations (Kotler & Armstrong, 2001; Hopwood, 2007) – the nature of sport, and the growth of contemporary sport marketing practices, have encouraged the development of a sport-specific marketing

communications mix, better reflecting the traits and characteristics which differentiate sport from other industries (Kahle & Riley, 2004).

Indeed, sport represents a unique opportunity and specific challenge for marketers; unlike traditional goods and services, the core product of sport is competition – the game – and is therefore intangible, irreproducible, and ephemeral in nature. No two contests are alike, and no individual match or game or tournament will ever be replicated (Mullin, 1985). Moreover, sport presents firms with opportunities to market both *of* and *through* sport – the communication by those in sport (such as a team or league marketing its activities), and the utilization of sport as a promotional vehicle by those not directly involved within the industry (Shilbury, Quick & Westerbeek, 1998). Finally, sport offers marketers an opportunity to simultaneously deliver marketing messages across a wide variety of target audiences (Chadwick & Thwaites, 2005; Chadwick & Beech, 2007). The value of marketing derives from the ability of marketers to deliver their message to consumers in an accessible, open environment, and to facilitate the receipt and processing of information by the target market (MacInnis & Jaworski, 1989; Mohr & Nevin, 1990). The affection spectators, supporters, fans, and consumers feel towards sports properties, represent an emotive link upon which marketers can capitalize and exploit, making sport a unique platform for marketers to access and communicate with consumers across a variety of markets and demographics (Mullin, 1985).

Irwin, Sutton & McCarthy (2002) proposed a Sport Integrated Marketing Communications Mix, that better reflects the unique considerations and opportunities inherent to sport marketing, suggesting a more advanced, strategic, and integrated approach to sport marketing communications (Hopwood, 2007). This modernized marketing communications mix exemplifies the evolution of sport marketing over the course of the past thirty years into a unique and distinct marketing discipline, identifying seven forms of marketing communications, including three – licensing, atmospherics, sponsorship – uncommon in other, more tangible or traditional goods and services industries.

Figure 2.1 – The 21st Century Sport Integrated Marketing Communications Mix



(Adapted from Irwin et al., 2002)

Within sport marketing communications, sponsorship has emerged as the most prominently researched communications strategy, exploring its ability to facilitate access to target markets and role in capitalizing on the emotive link underlying fans' connection with sport (Abratt, Clayton & Pitt, 1987; Polonsky, Sandler, Casey, Murphy, Portelli & van Velzen, 1996; Tripodi, 2001). Unlike other forms of sport marketing communications, sponsorship provides multiple opportunities to engage, interact, and communicate with consumers, integrating a brand and an event's ethos or identity, drawing on fans' or spectators' emotional attachment to and affection for a property, and thus creating a connection with consumers (Aaker & Joachimsthaler, 1999). Moreover, the wide array of available sponsorship properties, and the myriad sponsorship platforms that have manifested over the course of sponsorship's development – event sponsorship, broadcast sponsorship, athlete endorsements, stadium naming rights, etc. – have provided marketers with a vast network of marketing opportunities upon which to capitalize.

2.2.2 – Defining Sponsorship

Unfortunately, despite the academic attention afforded to sponsorship since the early 1980s, and the continued progression of sponsorship as a form of marketing communications, there remains no agreed definition of what constitutes sponsorship. Sponsorship has historically been used by many within the marketing industry to refer to any investment in marketing or communications media by an outside party – such as stadium naming rights, athlete endorsements, and radio or television broadcast sponsorship – which has further confused the definition of sponsorship, and by extension complicated the academic study of sponsorship management, relations, and strategy (Meenaghan, 1991a, 2001a). Whereas early definitions of sponsorship stressed a philanthropic, charitable role in supporting events and properties, in exchange for intangible benefits, sponsorship definitions have increasingly acknowledged the importance of commercial gains for sponsors. Without fully understanding the nature or definition of sponsorship, it is impossible to properly assess its role within the industry, or further explore the managerial activities, strategic thinking, or critical analyses that inform sponsorship decisions.

Among those definitions previously proposed, Meenaghan's (1983) definition has historically been the most cited within sponsorship literature. Although not the first to acknowledge the commercial objectives apparent in contemporary sponsorship, Meenaghan's description of 'commercial sponsorship' and differentiation between sponsorship and activities more closely related to philanthropy or patronage served to re-define the study of sponsorship and provided a new direction to subsequent research. More recent definitions of sponsorship have stressed its role in marketing communications strategy (Cornwell & Maignan, 1998), exemplifying the increasingly marketing-based understanding of sponsorship. Nevertheless, two key considerations for sponsorship literature have traditionally been excluded from those definitions proposed, yet bear particular relevance in the study of ambush marketing, and merit mention here.

First, previous definitions have neglected to explore the exchange relationship entered into by sponsor and rights holder, and the contractual nature of sponsorship agreements.

This is of considerable importance in the transfer of marketing rights for protected intellectual property, a key element in the value of sponsorship to organizations, and a fundamental concern in the argument against ambush marketing as a legitimate competitive practice. Second, recent research suggests that a new paradigmatic shift has occurred, emphasizing the relationship that exists between sponsor and sponsee and the collaborative nature of sponsorship (Chadwick & Thwaites, 2005). Whereas historically, sponsorship has been understood as an exchange or commercial transaction between businesses – sponsor and sponsee – increasingly, contemporary sponsorship has embraced a more relational paradigm, emphasizing the mutually beneficial partnership that exists between sponsorship stakeholders (Olkkonen et al., 2000; Chadwick & Thwaites, 2005; Olkkonen & Tuominen, 2006). Within the context of sport sponsorship, relationship refers to the association or connection between sponsor and sponsee – describing both the exchange and interaction between parties in achieving set goals or objectives, and the collaboration or cooperation in designing, agreeing, and delivering sponsorships against these objectives (Olkkonen et al., 2000; Thompson, 2005; Olkkonen & Tuominen, 2006). This relational approach to sponsorship is fundamental to the discussion of sponsorship, highlighting the relationship that exists between sponsor and sponsee, and the need for continued and greater participation between parties.

Given the lack of an agreed definition of sponsorship within the academic and practitioner communities, it is important for this study to identify the precise context in which sponsorship and ambush marketing will be explored. Chadwick & Thwaites' (2006) definition of long-term, strategic sponsorship as a "long-term relational association involving established, strong or clear links between a [property] and sponsor, which is defined by the terms of a legal contract with goals being to secure both a direct financial return and indirect dyadic and network returns" (p. 176) provides perhaps the most closely representative definition of event sponsorship for this research, reflecting the increasingly relational perspective of contemporary sport event sponsorship and the interrelated nature of modern sport sponsorship programmes. Based on the context and objectives of this study, and the impact ambush marketing has had on both sponsors and commercial rights holders over the past thirty years, this definition

represents an important acknowledgement of the collective approach to sponsorship management taken by practitioners, and the increasingly relational and contractual partnership that exists between sponsor and sponsee.

This is an important consideration in exploring the conceptual nature of ambush marketing, given the predominance of ambushing around major sporting events. While ambush marketers have targeted leagues and federations in attempting to create unofficial associations, the majority of ambush marketing campaigns have centered upon major events, such as the Olympics or World Cup. Event sponsorship offers both sponsors and ambushers a means of associating with consumers and capitalizing on their goodwill towards an event or sports property, while also offering awareness benefits and heightened market presence. The intangibility of sporting events affords marketers a unique opportunity to exploit the value of sport, for both sponsors and ambushers (Pham, 1991). On-site audiences and live viewers enjoy greater involvement with the property as compared to broadcast viewers, creating a larger potential for affection towards a company perceived to support that event (Meenaghan, 1991b; 2001b).

As a research focus, event sponsorship has gained in prominence in recent years; studies into event sponsorship's effectiveness in influencing consumer purchase intentions and value as an advertising cue (Kinney & McDaniel, 1996; Dean, 1999; O'Reilly, Lyberger, McCarthy, Séguin & Nadeau, 2008) and the importance of the perceived fit between sponsor and property (Ferrand & Pages, 1996; Roy & Cornwell, 2003), have provided a foundation for event sponsorship as a distinct field of research. Moreover, researchers have increasingly explored the value of image transfer and brand value transference between event and sponsor (Gwinner, 1997; Gwinner & Eaton, 1999), and the utilization of event study analysis in evaluating marketing and sponsorship activities (Miyazaki & Morgan, 2001; Tsiotsou & Lalountas, 2005), offering the study of event sponsorship a rapidly growing theoretical foundation. However, despite becoming a key area of interest for sport marketing research over recent years, there remain significant limitations within the academic literature necessitating further investigation. Further study into the nature, role, value, and measurement of event sponsorship is required,

as well as additional consideration of the management considerations inherent to event sponsorship practices, and greater analysis of the strategic thinking underlining major sponsorship investment.

2.2.3 – Re-visiting Sponsorship Research

Nevertheless, despite the relatively underdeveloped nature of sponsorship research two extensive reviews of sponsorship literature have previously been conducted which provide the framework for the remainder of this discussion. Cornwell & Maignan (1998) and Walliser (2003) provide important perspectives into the state of sponsorship literature, identifying five principal research streams within sponsorship literature: the nature of sponsorship, the managerial implications of sponsorship, the measurement of sponsorship effects, the strategy behind sponsorship, and the ethical and legal concerns encountered. Their work offers a critical review of the central themes and findings within the extant literature, and affords a useful template for exploring sport sponsorship literature within the context of this study.

The Nature of Sponsorship

While the research streams identified by Cornwell & Maignan (1998) and Walliser (2003) indicated that no chronological or sequential order exists within sponsorship research to suggest a distinct evolution or progression over time, the authors did note that much of the earliest research regarding sponsorship centered upon its nature and role within the context of marketing. Studies sought to differentiate sponsorship as a discrete strategy from other forms of marketing communications, identifying a number of significant and notable areas in which sponsorship and advertising differentiate. This discussion provided a preliminary basis for sponsorship theory, differentiating sponsorship from advertising in emphasizing the more direct nature of advertising in communicating with and persuading consumers (Gross, Traylor & Shuman, 1987; McDonald, 1991; Javalgi, Traylor, Gross & Lampman, 1994), sponsorship's more pronounced role in brand image and attribute transference between sponsor and property or medium (Cornwell & Maignan, 1998), and sponsorship's focus on leveraging an association with an official partner, as opposed to merely advertising a product or service (Thwaites & Carruthers, 1998).

Within contemporary sponsorship practices, three particular traits that distinguish sponsorship from other forms of marketing communications bear mention: the ability of sponsorship to break through marketing clutter as a means of gaining attention and positively benefiting from consumer awareness and affection to a sponsored property (Gardner, 1985; Pham, 1991; Meenaghan, 2001a, 2001b); the close relationship between the medium and the message, both in nature and relevance (Meenaghan, 1996); and the ability of sponsorship to incorporate multiple target audiences, allowing for greater reach and access to consumers from different demographics, psychographics, and geographics (Crowley, 1991; Erdogan & Kitchen, 1998; Aaker & Joachimsthaler, 2000). These traits serve to differentiate sponsorship as a marketing strategy and legitimize it as form of marketing communications (Meenaghan, 1991b), and provide an important preliminary perspective into the key characteristics, challenges, and opportunities presented by commercial sponsorship.

The Management of Sponsorship

The second major theme discussed by Cornwell & Maignan (1998) was the managerial implications of sponsorship, namely the aims and objectives underlying corporate decision-making, and the segmentation of audiences and identification of specific target markets. Cornwell & Maignan's review divided the managerial concerns of sponsorship literature into five subsections: (i) objectives and motivations; (ii) target markets and audiences; (iii) structure; (iv) personnel matters; and (v) budgetary concerns. As noted by the authors, the latter three topics have historically received considerably less attention than sponsorship objectives or market segmentation, and as such they grouped their discussions of budgeting, personnel, and organizational structure as one.

Based upon the studies surveyed, there exists little consensus within sponsorship literature regarding the aims and objectives of sponsorship, and its value to companies. As a marketing tool, sponsorship offers organizations an opportunity to fulfill a variety of objectives; however, which objectives are set, and indeed how, why, and by whom, remains a largely contentious issue within sponsorship theory. Ultimately, though, sponsorship is seen as a key component of marketing communications, capable of realizing set marketing objectives and communicating effectively with target markets

and consumer audiences (Meenaghan, 1991b; Tripodi, 2001). This marketing bias is evident in the traditionally transaction-based perception of sponsorship taken by many definitions, as many researchers stress the exchange of capital investment for property-associated *marketing* rights as the foundation of sponsorship. As a result, the objectives set by companies have typically highlighted marketing concerns, such as image enhancement and transference (Ferrand & Pages, 1996; Gwinner, 1997; Pope & Voges, 1999), influencing purchase intent among consumers (Pope, 1998; Pope & Voges, 2000; Madrigal, 2000; Hansen, Halling & Lauritsen, 2001), developing goodwill (Meenaghan, 2001b), and creating and promoting associations with a desirable property (Crimmins & Horn, 1996; Meenaghan & Shipley, 1999).

Walliser (2003), however, suggested that the enhancement and development of brand awareness and equity has been sponsorship's most important objective for firms. In building and reinforcing brand image through the transference of image, value, and equity between sponsor and sponsee, and capitalizing on the goodwill afforded to sponsors by consumers and supporters (Roy & Cornwell, 2003; Smith, 2004; Cliffe & Motion, 2005), sponsorship offers organizations an opportunity to build and foster brand equity by generating awareness and profiting from the long-term effects of sponsor-sponsee association (Gwinner & Eaton, 1999; Cornwell, Relyea, Irwin & Maignan, 2000; Mason & Cochetel, 2006; Davies, Veloutsou & Costa, 2006).

These various objectives have been suggested and discussed across a variety of measurements and situations, to largely different conclusions. Regardless, the variables studied emphasize the view of sponsorship as a form of marketing communications, with relatively few (e.g., the motivation of employees (Grimes & Meenaghan, 1998; Hickman, Lawrence & Ward, 2005), or building ties with local communities (Mount & Niro, 1995)) identified outside of the discussion of sponsorship as marketing strategy. Research has, however, cast doubt on the practical objectives set in sponsorship, with specific concern over the number of sponsors who fail to set objectives, or set targets without the appropriate means and initiative to evaluate the success of their agreements (Thwaites, 1995; Chadwick & Thwaites, 2002). Moreover, the socio-cultural context of sponsorship has largely been ignored within sponsorship literature, as has the

interaction between sponsor and sponsee in better communicating and integrating sponsorship-linked marketing (Chadwick, 2004). Research has typically neglected the objectives and involvement of sponsored properties in the marketing of sponsorship associations, further reinforcing the pre-existing view of sponsorship as a transaction, rather than as a relationship (Chadwick & Thwaites, 2005).

The second key area of sponsorship management identified by Cornwell & Maignan (1998) was the attempt within sport marketing research to describe the ability of sponsorship to reach multiple target audiences, and the involvement of, and engagement with, multiple stakeholders. This discussion has incorporated the constituent members of the sponsorship framework – corporations, channel members, the general public, and commercial rights holders (Gardner & Shuman, 1987), each of whom, by direct involvement or indirect association, are implicated in the sponsorship process. Most important, however, has been the recognition of the reach of sponsorship, and its ability to target multiple target audiences simultaneously. Studies have therefore sought to identify the management implications and potential selection criteria and specific objectives set in reaching target markets, in order to more effectively select sponsorship opportunities and better communicate with the desired audience (Copeland, Frisby & McCarville, 1996). This debate has served to further emphasize the strategic management of sponsorship that has gradually emerged, highlighting an evolution in sponsorship literature towards sponsorship strategy, with set objectives to be met and measured, and more rigorous planning, organization, and management required of contemporary sponsorship practices.

Finally, sponsorship management research has attempted to examine the industry from an organizational perspective, exploring the personnel and budgetary concerns involved with sponsorship, and the internal organizational considerations necessary in undertaking sponsorship (e.g., Abratt, Clayton & Pitt, 1987; Armstrong, 1988). While this remains a largely underdeveloped area of study, the discussion of sponsorship's organizational effects has nonetheless contributed a greater understanding of the various decision-making processes and actors involved in sponsorship delivery (Abratt et al., 1987; Crimmins & Horn, 1996; Quester & Farrelly, 1998), the budgeting of

sponsorships (Hoek, Gendall & West, 1990; Meenaghan, 1991a, 1991b), and the staffing needs and responsibilities involved in sponsoring. Overall, however, the literature on sponsorship management disagrees largely on the organizational needs and concerns raised by sponsorship, as issues such as budgeting and personnel requirements have proven to be by and large case specific, and dependent upon the level of sponsorship entered into, the amount spent, objectives set, the type of sponsorship, and the resources available to the sponsor. The predominantly subjective nature of sponsorship within this context has yielded few empirical conclusions regarding the management of sponsorship, emphasizing instead the specific strategy, organization, management, and planning required of sponsors on an individual basis.

The Evaluation of Sponsorship

Following their discussion of sponsorship's aims and objectives, Cornwell & Maignan (1998) identified a third major category of sponsorship research: the evaluation and measurement of sponsorship. The authors noted three broad measurement methods utilized throughout the literature – exposure-based methods, experimentation, and tracking – but criticized the inconsistency of findings and stressed the difficulties posed by sponsorship's early history as a philanthropic act, or as the product of executive spending and ego fulfillment. The evaluation of sponsorship, they argued, remains a largely developmental field, in need of greater academic investigation, and continued advancement professionally and practically.

Nevertheless, studies into sponsorship management and evaluation have provided a general introduction to the concerns and challenges faced by sponsors, and stressed the need for appropriate objective setting and sponsorship measurement. Various evaluation measures have been suggested in previous works, including the evaluation sponsorship effects, such as consumer awareness, recall, and recognition (Cornwell, 1997; Grimes & Meenaghan, 1998; Meenaghan & Shipley, 1999), the impact of sponsorship on stock market performance (Miyazaki & Morgan, 2001; Tsiotsou & Lalountas, 2005), and the effect of sponsorship on consumer purchase intent (Kinney & McDaniel, 1996; Pope & Voges, 2000; Madrigal, 2000). Walliser's (2003) review suggested a more concise breakdown of sponsorship measures – awareness, image, and purchase intention or

‘other effects’, but noted that little agreement exists among researchers as to how best to evaluate the success of sponsorship (McDonald, 1991; Javalgi et al., 1994; Easton & Mackie, 1998).

Ultimately, the evaluation and measurement of sponsorship’s effectiveness represents an important area of investigation within sponsorship research that is in need of further development. The issues faced by practitioners and academics in evaluating sponsorship relate directly to the lack of clearly defined objectives for many sponsors, and the absence in many sponsorships of any means of measuring or judging the objectives set (Thwaites, 1995; Chadwick & Thwaites, 2002; Walliser, 2003). Such limitations severely restrict the availability of suitable measures for sponsors by providing no basis for evaluation or comparison; this underlines the need for greater strategic thinking and management by both sponsors and commercial rights holders. Without effective means of assessing or evaluating the success of sponsorship, it is impossible to ascertain the true value of an agreement, complicating the management and delivery of sponsorship, and casting doubt over the financial and economic viability of contemporary sponsorship practices (Pham, 1991; Harvey, 2001; Stotlar, 2004).

Sponsorship Strategy & the Legal and Ethical Considerations for Sponsors

The final two categories of sponsorship research cited by Cornwell & Maignan (1998) bear direct relevance to the study of ambush marketing and the research conducted here. The authors, and others, have noted that sponsorship strategy has historically received only nominal mention in marketing literature (Otker, 1988; Cornwell, 1995; Amis, Slack & Barrett, 1999; Dolphin, 2003; Farrelly, Quester & Greyser, 2005; Cunningham, Cornwell & Coote, 2009), with little meaningful investigation into the strategic use of sponsorship beyond those objectives previously noted. Conversely, the legality and morality of sponsorship have received considerable interest in academic literature, with particular concern for the legal protection of sponsors and the debate surrounding ambush marketing as an unethical or illegitimate marketing tactic. However, little mention is given to the actual legality or ethics of sponsorship beyond the legal and legislative restrictions enacted in many countries governing the sponsorship of tobacco

and alcohol (Cornwell, 1997; Fortunato & Richards, 2007; Fortunato & Melzer, 2008; MacLean & Bonnington, 2008; Grady, McKelvey & Bernthal, 2010).

Instead, the growing number of studies into ambush marketing has guided the discussion of strategy, legality, and ethics within sponsorship literature (Sandler & Shani, 1989; Meenaghan, 1994, 1996; Crompton, 2004b; McKelvey & Grady, 2008). Such research into ambush marketing has increased over time, with greater concern for the protection of sponsorship through legal means (Townley et al., 1998; McKelvey, 2006; McKelvey & Grady, 2008), as well as suggestions of the need for greater legislative protection for sponsors (Vassallo, Blemaster & Werner, 2005; McKelvey & Grady, 2008). Given the pertinence of sponsorship's legal and ethical implications to the study of ambush marketing, a more detailed analysis of the relevant ambush marketing literature, and the ethical and legal considerations of ambushing and sponsorship, follows (*see section 2.3*).

2.2.4 – Progressing Sponsorship Research

While the reviews by both Cornwell & Maignan (1998) and Walliser (2003) provide an important analysis of the sponsorship literature and a theoretical framework upon which to build the study of ambush marketing and sponsorship management, a number of criticisms with specific bearing on this study must be made. First, to date there has been a dearth of research devoted to the specific legal and structural frameworks surrounding sponsorship, despite each having serious implications in terms of sponsorship management and the protection against ambush marketing. As noted, ambushing emerged in response to the restructured format of Olympic sponsorship created for the 1984 Los Angeles Summer Games; the move towards category exclusivity, bundled rights packages, and multi-tiered partnerships proved a catalyst for ambush marketers to seek new, creative, and innovative means of achieving the same benefits of sponsorship, without securing official status (Sandler & Shani, 1989; Payne, 2005). However, there has been little research into the implications of this structure on sponsors, or into how bundled, exclusive sponsorship rights have impacted the relationship between corporate sponsor and property beyond the consequential rise in sponsorship value. The increasingly contractual, professional nature of sponsorship agreements necessitates a

more legal approach to sponsorship on the part of brands, suggesting a need for greater consideration to be given to the managerial implications of sponsorship development.

Moreover, while sponsorship has become an acknowledged and accepted element of the marketing communications mix, there remains uncertainty regarding how sponsorship functions as a communications tool and its value as a marketing strategy, beyond the suggested aims and objectives found within Cornwell & Maignan's (1998) review. Addressing this limitation, Tripodi (2001) provided a review of sponsorship's role as a process of communication, highlighting the difference between sponsorship and advertising, a distinction often made despite early confusion over sponsorship's exact nature in marketing (Meenaghan, 2001a). The practical and academic understanding of sponsorship's effectiveness currently lies in the emotional attachment and goodwill attached to a sponsor by fans or supporters of a property, and the subsequent transference of that goodwill to the sponsoring brand (Meenaghan, 2001b; Davies et al., 2006). However, the psychological processes undertaken in translating that attachment have not yet been extensively studied, nor has the actual act of communication that exists between producer and consumer been examined at a marketing communications level. How marketing communications function is important not only in better understanding sponsorship, but equally in further comprehending how ambush marketing impacts sponsorship on a cognitive level.

Unfortunately, such limitations fall outside the remit of this research; instead, this study focuses on exploring the nature and implications of ambush marketing from a managerial perspective, examining the organizational, strategic, and practical effects of ambushing on sport sponsorship. Nevertheless, the cognitive effects of ambush marketing, and the psychological processes behind sponsorship and ambush marketing communications remain an area of investigation within sponsorship literature meriting further research.

2.3 – Ambush Marketing

Dating back to the emergence of ambushing as both a professional and academic area of interest in the 1980s, four predominant themes have emerged within ambush marketing literature that define the study of ambushing and provide a theoretical foundation upon which this research is based: (a) the identification of what ambush marketing is, and what its aims and objectives are (e.g., Sandler & Shani, 1989; Meenaghan, 1994; Crompton, 2004b; Séguin & O'Reilly, 2008); (b) the quantitative assessment of ambush marketing's impact on sponsorship, exploring the consumer recall and recognition affects of ambushing on sponsorship awareness (e.g., Sandler & Shani, 1989; Meenaghan, 1998a; McDaniel & Kinney, 1998); (c) the discussion of ambush marketing as an illegitimate and parasitic form of marketing examining ambush marketing from a moral and ethical perspective (e.g., Meenaghan, 1994; Payne, 1998; O'Sullivan & Murphy, 1998); and (d) the investigation of the legal and legislative implications of ambush marketing as a form of intellectual property rights infringement or misappropriation (e.g., Townley et al., 1998; McKelvey, 2006), and the review of potential counter-ambush measures and legal responses available to commercial rights holders (e.g., Meenaghan, 1994; Farrelly et al., 2005; McKelvey & Grady, 2008).

Although this research base has provided an introductory understanding of the nature of and concerns surrounding ambushing, the academic study of ambush marketing remains a largely underdeveloped field in need of further investigation. Most significant is inarguably the dearth of theoretical or conceptual investigation into ambush marketing's specific nature or role, and the lack of any agreed definition or understanding of what ambush marketing is, what forms it takes, and how it manifests. Throughout the ambushing and sponsorship literatures, no agreed upon definition has yet been adopted, while within news media and sponsorship practice, confusion persists between ambush, parasitic, and guerrilla marketing, and more creative, associative marketing campaigns. Significant confusion exists within both the practical and academic perspectives of ambush marketing. As a result, researchers and practitioners have struggled to understand ambushing, often relying on out-of-date – and sometimes misleading – definitions that emphasize the parasitic or aggressive nature of early competitive ambush practices.

Moreover, while past research has provided a brief look into the counter-ambush measures employed by commercial rights holders and event organizers, the managerial implications for sport sponsorship have yet to be meaningfully explored. Researchers have focused predominantly on the consumer effects of ambush marketing, seeking to quantify the impact of ambush campaigns on consumer recall and recognition of sponsors. However, the ways in which ambush marketing has influenced sponsorship from a managerial perspective, and how it has impacted the actual activities of event sponsors, are topics that remain untouched in the extant literature. This literature nevertheless represents a preliminary conceptual framework upon which this study is based, contextualizing the study of ambush marketing, and provides an important review of the existing concerns and considerations implicit to ambush marketing research.

2.3.1 – Introducing Ambush Marketing

The study of ambush marketing as a threat to sport sponsorship originated with Bayless (1988), who introduced ambush marketing as a contemporary issue in sport marketing following ambushing's presence around the 1984 Summer and 1988 Winter and Summer Olympics. The earliest recognized examples of ambush marketing in sport occurred at the 1984 Los Angeles Olympics (e.g., Nike ambushing Converse, Kodak ambushing Fuji), an event dominated by cases of direct competition between market rivals, and which featured examples of strategies that today would be seen as wholly legitimate marketing strategy, such as broadcast sponsorship and individual team sponsorship. These early, surprise attacks by non-sponsors on market competitors inspired ambush marketing's nomenclature, and engendered a perspective of ambush marketing as parasitic and aggressive within academic research and sponsorship practices (Wood, Hoek & Mossaidis, 2004). Subsequent attempts at defining ambushing, such as those of McKelvey (1994) and O'Sullivan & Murphy (1998) (*see Table 2.2*), have emphasized the unethical connotation of ambushing espoused by such early studies, focusing on the 'weakening' of a competitor's sponsorship, or the intentional attack of a company on a rival who secured official rights (Schmitz, 2005).

Following Bayless (1988), Sandler & Shani (1989) provided the first academic examination of ambush marketing's impact on sponsorship, defining ambushing as: "A planned effort (campaign) by an organization to associate themselves indirectly with an event in order to gain at least some of the recognition and benefits that are associated with being an official sponsor" (p. 11). Sandler & Shani's study provided the background to ambush marketing as a theoretical discussion, outlining its historical relevance, as well as providing an initial look into the strategies employed by ambushers of the 1984 and 1988 Olympics, such as the sponsorship of subcategories of the parent event (e.g., national federations, teams, athletes, etc), or the use of suggestive imagery of terminology in a brand's marketing around an event. The authors identified a number of key considerations for marketers and sponsors, arguing that the aim of ambush marketers is to confuse and distract consumers from official sponsors, and attempting to quantify the impact ambushing has on consumer recall.

Meenaghan (1994) furthered the study of ambushing by constructing a categorization of ambush marketing opportunities that provided a more detailed perspective on the methods employed and media utilized by ambushing companies. Meenaghan identified five core ambush tactics: (a) sponsoring the broadcast of an event; (b) sponsoring subcategories of an event and aggressively leveraging that association; (c) buying advertising time before, during, and after an event telecast; (d) aligning promotional campaigns with the property; and (e) capitalizing on creative marketing opportunities. Crompton (2004b), in contemporizing Meenaghan's classification, identified seven potential ambush opportunities: (a) sponsoring an event broadcast; (b) buying advertising time in and around an event broadcast; (c) sponsoring properties associated with an event; (d) capitalizing on advertising media available in proximity to stadia and host venues; (e) advertising using a theme or implied association with the property; (f) creating a competitive attraction or parallel property; and (g) accidentally ambushing an event.

While these classifications provided a broadened perspective of the tactics employed by ambush marketers, the categories identified nevertheless now represent an outdated and unrefined look into the nature of ambush marketing. The categories created provide

little differentiation between potential motivations or objectives on the part of an ambusher in employing a certain media; the intent of any non-sponsoring brand advertising around an event is assumed to be the same. This view appears inadequate based upon the apparent evolution of ambush marketing over the past thirty years. Despite the advances made, both the professional and theoretical understandings of ambush marketing remain confused by the inherent lack of clarity or agreement with regards to its definition, composition, and motivation (Hoek & Gendall, 2002; Crow & Hoek, 2003; Burton & Chadwick, 2011).

Ambush marketing has long been perceived as a low-cost, tactical, parasitic form of marketing, aimed at attacking and devaluing official sponsorship (Bayless, 1988; Sandler & Shani, 1989; Meenaghan, 1994; Payne, 1998). This paradigmatic view of ambushing informed early definitions of ambush marketing, and guided preliminary studies into the effects on ambush marketing on sponsorship, and the legal and ethical implications for sponsors and rights holders. As ambush marketing has grown, considerable changes in how we understand and perceive ambushing – as well as the methods, motives, and media utilized – have informed a more nuanced view of ambush marketing. This evolution is apparent in the definitions of ambush marketing proposed throughout the ambush marketing literature, as practitioners have embraced a more strategic, capitalistic form of marketing strategy (Scherer, Samm & Batty, 2005; Séguin & O'Reilly, 2008; Burton & Chadwick, 2011). *Table 2.1* provides a useful review of the existing definitions of ambush marketing suggested within academic research and professional practice, evidencing the lack of clarity or uniformity in defining ambush marketing, and illustrating a gradual evolution in ambush marketing thought experienced over the past three decades.

Table 2.1 – Defining Ambush Marketing

Author	Year	Proposed Definition
Sandler & Shani	1989	<i>"Ambush marketing" will be defined as: A planned effort (campaign) by an organization to associate themselves indirectly with an event in order to gain at least some of the recognition and benefits that are associated with being an official sponsor."</i>
Townley	1992	<i>"Ambush marketing essentially consists of the unauthorized association by businesses with an event through any one or more of a wide range of marketing activities."</i>
McKelvey	1994b	<i>"Ambush marketing refers to the intentional efforts of one company to weaken, or 'ambush', a competitor's official association with a sports organization, which has been acquired through the payment of sponsorship fees. Most often, an ambush marketing campaign is designed to intentionally confuse the buying public as to which company is in fact the official sponsor of a certain sports organization"</i>
Meenaghan	1994	<i>"The practice whereby another company, often a competitor, intrudes upon public attention surrounding the event, thereby deflecting attention toward themselves and away from the sponsor, is now known as 'ambush marketing'"</i> <i>"... a whole variety of wholly legitimate and morally correct methods of intruding upon public consciousness surrounding an event"</i>
O'Sullivan & Murphy	1998	<i>"The term ambush refers to an attempt by a company to associate its own brand with the sponsored activity without securing formal rights, and this frequently results in a weakening of the impact of an official sponsor's activity."</i>
McDaniel & Kinney	1998	<i>"... a company wishing to enjoy the awareness and attitudinal benefits of event sponsorships, without paying large sums to event properties, can employ what has come to be known as ambush marketing, where brand presence near a major event (and/or clever advertising during its telecast) is used to create an illusory association in the minds of consumers."</i>
Meenaghan	1998a	<i>Ambushing occurs when "another company, often a competitor of the official sponsor, attempts to deflect the audience's attention to itself and away from the sponsor. This practice simultaneously reduces the effectiveness of the sponsor's communications, while undermining the quality and value of sponsorship opportunity being sold by the event owner"</i>

Lyberger & McCarthy	2001a	<i>“Ambush marketing involves a corporation or a brand associating itself with an event in an attempt to create the illusion that it is an official sponsor of that event, thereby reaping benefits similar to those of corporations who (by virtue of paying rights fees) are official sponsors of the event”</i>
International Olympic Committee	2001	<i>“A planned attempt by a third party to associate itself directly or indirectly with the Olympic Games to gain the recognition and benefits associated with being an Olympic partner.”</i>
Sauer	2002	<i>“Ambush marketing – a term often hissed in industry circles – occurs when one brand pays to become an official sponsor of an event (most often athletic) and another competing brand attempts to cleverly connect itself with the event, without paying the sponsorship fee and, more frustratingly, without breaking any laws. Ambush, or guerrilla, marketing is as undeniably effective as it is damaging, attracting consumers at the expense of competitors, all the while undermining an event’s integrity and, most importantly, its ability to attract future sponsors.”</i>
Schmitz	2005	<i>“In a narrow sense, ambush marketing refers to the direct efforts of one party to weaken or attack a competitor’s official association with a sports organization acquired through the payment of sponsorship fees. In a broader sense, rather than such direct and intentional misrepresentation, ambush marketing refers to a company’s attempt to capitalize on the goodwill, reputation, and popularity of a particular event by creating an association without the authorization or consent of the necessary parties”</i>
Farrelly, Quester & Greyser	2005	<i>“In all cases, ambushers have aimed to enhance their own brand equity, at the expense of official sponsors, by illegitimately associating their name with the positive brand equity of the target sport or event”</i>
Mazodier & Quester	2008	<p><i>Translated from French:</i></p> <p><i>“Ambush marketing is a form of communication underlining a link between the pseudo-sponsors and the event/property”</i></p> <p><i>Ambush marketing is “any form of communication around an event, using the characteristic elements of the event, with a view to deceiving sponsors, making them believe the brand is a sponsor of the event, improving consumer attitude and awareness of the brand”</i></p>

2.3.2 – The Threat Posed to Sport Sponsorship

While ambush marketing has undergone a marked evolution in recent decades, much of the existing academic literature has continued to encourage the pejorative, parasitic understanding of ambushing first proposed in the late 1980s. This focus emphasizes the supposed threat ambush marketers pose to sponsorship, and suggests that ambushers aim to confuse consumers as to whom officially sponsors a property, and thus devalue the rights of an official sponsor by creating ‘unauthorized’, ‘illegitimate’ competition for consumer attention and awareness (Sandler & Shani, 1989; Payne, 1998). Such suggestions have driven academic interest in ambush marketing, giving rise to a number of studies seeking to quantify the impact of ambushing on sponsorship programmes and the detrimental effects of ambush activities on consumer recall and recognition of sponsors (Lee et al., 1997; Meenaghan, 1998a; Lyberger & McCarthy, 2001a, 2001b; Portlock & Rose, 2009).

Consumer-Based Measures of Ambush Marketing Effects

This use of consumer-based measures, however, has ultimately only marginally contributed to our understanding of ambush marketing. The effectiveness of such methods in exploring ambushing has been limited: recall and recognition can be disingenuous and misleading, often misinterpreting the impact of existing brand awareness, and attributing its effects as actual event recall (Singh, Rothschild & Churchill, 1988; Brown & Rothschild, 1993; Crompton, 2004a). The use of consumer-based recall and recognition methods in studying ambush marketing is therefore inherently fraught with potential complications. Respondents may be more likely to identify known brands as ambushers when asked, based on existing knowledge of the brand and associations made between the brand and the property, without that brand actively seeking such an association through marketing efforts (Meenaghan, 2001a, 2001b), a phenomenon first noted by Quester (1997).

Moreover, the surveying of consumers during or after an event is a difficult and often unreliable research method, due to the high possibility of representation, measurement, and sampling biases present (Hoek & Gendall, 2003a). Cognitively, the recency of exposure to an advertisement serves as a greater indicator of memory recall than

repetition or honest awareness of sponsor identity (McDaniel & Kinney, 1998). Consumers generally lack information on broadcast sponsorship and the identity and rights of official sponsors, thus making the measurement of recall or recognition ineffective (Meenaghan, 1998a). Even the most avid supporters of a sport or team are generally unaware of league and event sponsors, clouding the differentiation between ambusher and sponsor (Lyberger & McCarthy, 2001b). Despite finding that those surveyed were aware of and sympathetic to the rights and uses of official Olympic marks, Meenaghan (1998a) provided evidence of consumers' overall disinterest in ambush marketing, and an apathy with which supporters generally view the ethical debate surrounding ambush marketing (Lee et al., 1997; Meenaghan, 1998a).

The Ethical Discussion of Ambush Marketing

This ethical debate has, in fact, framed much of the extant academic research, furthering the predominantly parasitic, attack-minded view of ambushing proposed by Sandler & Shani (1989). This presumption has led to a broad academic consideration of the morality and legality of ambush marketing that is aligned with the condemnation of ambush marketing by commercial rights holders such as the IOC and UEFA, conscious of the potential threat posed by ambushers to sponsorship (Meenaghan, 1994; Payne, 1998; O'Sullivan & Murphy, 1998). Meenaghan (1994), in exploring ambush marketing ethics, identified two major concerns posed to sponsors: (i) that ambush marketing threatens the integrity of major events; and (ii) that ambushers may ultimately undermine the financial viability of major events by devaluing sponsorship.

Most vociferous in arguing against ambush marketers, Payne (1998) – a former IOC executive – elaborated on the Olympics' perspective on the ethics of ambush marketing, presented an altruistic view of sponsorship and proudly promoting the efforts made by the IOC to combat 'parasitic' marketing attempts. Payne's investigation condemned ambush marketers for infringing on sponsors' marketing efforts, irrespective of the commercial and competitive rights of alleged ambushers. Presenting a less biased approach, O'Sullivan & Murphy (1998) explored the ethics of ambush marketing through an extensive look at various ethical paradigms, including social interest, societal rights, and stakeholder analysis. Despite having approached the subject with

some apprehension, the authors acknowledged that the lines between unethical and competitive practices are blurred as most ambush marketers act entirely within their own commercial rights. That sponsorship should be exempt from such commercial and competitive practices is both unrealistic and naïve (O'Sullivan & Murphy, 1998).

Shani & Sandler (1998) provided further evidence of the indifference felt by consumers towards ambush marketers, casting doubt over the relevance of such a discussion. The authors argued that rights holders must do more in educating consumers and promoting sponsors, as the reliance on consumer alienation by ambushers is proving ineffective. Their argument – that ambush marketing would be a less effective strategy in a better-informed market – signaled a move away from condemning ambushers, both academically and practically, and towards a greater focus on the activities of sponsors and event organizers. Rather than reacting with outrage at ambush marketers, shaming them publicly and relying on consumers to negatively perceive ambushers, Shani & Sandler emphasized the need for rights holders to do more to prevent ambush marketing. Crompton (2004b), too, argued that given consumers' apathy towards ambush marketers, the ethical consideration of ambushing should be ignored, in favour of a greater consideration of the means available to combat ambushers and protect sponsorship.

Unfortunately, consumer-based studies have ultimately provided little evidence of the actual impact of ambush marketing on sponsorship (Lee et al., 1997; Crompton, 2004b). Based on consumer recall and recognition surveys conducted at and around major events, little can be ascertained regarding ambush marketing's effectiveness as a marketing strategy, nor about its supposed negative effects on official sponsorship. While the aim of such measures initially was to quantify the impact of ambush campaigns on sponsorship – an important concern in understanding the threat posed to sponsors – such studies were limited by the perception of ambush marketing's primary aim: to confuse consumers between sponsor and ambusher. This assumption, although reflective of early understandings of ambush marketing, was misguided and incomplete given sponsorship's evolution, as ambush marketers' objectives and methods have evolved considerably in kind (Crompton, 2004b; Séguin & O'Reilly, 2008; Burton &

Chadwick, 2011). Recent examples exemplify a more capitalistic approach on the part of contemporary ambushers, exploiting the wealth of consumer attention and commercial value associated with major events, rather than merely attacking or parasitizing a rival brand's sponsorship.

Ambush Marketing as Communications Noise

As a result of this apparent evolution in ambush marketing strategy, a growing acknowledgement of ambushing's place in sport marketing has emerged within academia (Crompton, 2004b; Séguin & O'Reilly, 2008; Burton & Chadwick, 2011). From this perspective, it is perhaps useful to understand the threat posed by ambushing not as a direct attack on a rival sponsor or event, but rather as a function of marketing clutter, distracting attention away from official sponsors and adding further complexity to the event marketing landscape (Scherer et al., 2005; Séguin & O'Reilly, 2008). Clutter, or 'noise' in communications terminology, refers to the distractive or disruptive elements of the communications environment that impede the delivery and processing of information. These distractions refer to the internal and external effects which impact on how an individual receives and handles a message, such as excessive competitive messaging, internal thoughts or concerns, environmental factors limiting attention or interest, or the abundance of messages to be processed within memory (Webb, 1979; Ray & Webb, 1986; Speck & Elliott, 1997).

Although marketing clutter as a broader concern is often used to refer to the excessive marketing communications messages with which consumers are inundated, in advertising literature, clutter is seen as the amount of commercial or marketing messages present in a medium as compared to the total content available, be it a television broadcast, a magazine, or a website. In this context, clutter has evolved as a significant issue for marketers, and has thus garnered considerable attention in communication research, implicating marketers, communications media, policy-makers, and consumers, and calling into question the impact clutter has on advertising's effectiveness and the subsequent implications for successful marketing efforts (Webb, 1979; Ray & Webb, 1986; Brown & Rothschild, 1993). However, while the role marketing clutter plays in the success of leveraging sponsor associations and that of

traditional advertising is commutable, the impact clutter has on sponsorship directly, and ambush marketing's function as a form of communications noise, have yet to be explored.

Nevertheless, based upon the extant theoretical framework underpinning marketing communications theory, and the understanding of ambushing as a form of competition for official sponsorship, ambush marketing poses three principal concerns for sport sponsorship as both a product or cause of communications clutter: (i) ambush campaigns increase the quantity of messages in the event marketing medium, providing sponsors with competition for consumer awareness, and potentially distracting attention away from their message (Ray & Webb, 1986; Wu & Newell, 2003); (ii) ambushing increases competitiveness within the marketing environment (Keller, 1991; Kent, 1993; Anderson, 2003); and (iii) ambush marketing represents a direct rivalry to official sponsors, encouraging greater intrusiveness by the use of creative, high-involvement marketing techniques (Ha, 1996; Ha & Litman, 1997). By littering the marketing environment surrounding sport properties and event sponsors, and utilizing the same imagery, themes, and characteristics as the marketing efforts of official sponsors, ambush marketing campaigns may potentially clutter the marketing environment and confuse consumers, and therefore may have a detrimental effect on consumers' ability and opportunity to process a sponsor's message.

This represents a significant challenge for official sponsorship, as consumers' awareness of persuasive messages and interest in marketing has progressively diminished (Godin, 1999; Rumbo, 2002). According to Séguin & O'Reilly (2008), Olympic sponsors and officials have stressed the combined threat of ambushing and clutter, arguing that "together ambush marketing and clutter caused a lack of differentiation for sponsors, which in turn diminished the value of their sponsorship investment" (p. 81). The additional clutter caused by ambush marketers, and the competition between sponsors and ambushers for consumer attention, distracts consumer awareness and interest in sponsors' messaging, potentially negatively affecting a sponsors' return on investment. While this remains a largely nascent area of study within ambush marketing research, it nevertheless presents a much

clearer understanding of the potential effects of ambushing on sponsorship from a cognitive perspective than previous consumer recall and recognition studies, and gives further context to the perceived threat posed by ambush marketing.

Ultimately, the academic discussion of ambush marketing as clutter is a largely unexplored subject, with considerable work to be done in answering definitively the ways in which clutter affects marketing, and how best to defend against it. Regardless of an ambusher's intent, this threat remains, and has increased over time as the value of sponsorship has grown, and the value of associating with major sport properties has risen. The need to maintain consumers' interest and attention is paramount to the success of marketing campaigns in the face of marketing noise (Kaplan, 1985; Gladwell, 1998; Godin, 1999; Rotfeld, 2008). To date those strategies implemented to combat clutter have been predominantly unsuccessful, many succeeding in simply adding to the existing clutter (Rotfeld, 2008); a greater appreciation of the measures available to sponsors and commercial rights holders in protecting against ambush marketing – and the potential threat posed – is imperative to the future success of sponsorship communication (Crompton, 2004b; Burton & Chadwick, 2009).

2.3.3 – Protecting Against Ambush Marketing

Unfortunately, there has been an absence of research that meaningfully examines the effectiveness of sponsorship protection strategies in countering the potential clutter effects of ambush marketing. While researchers and practitioners alike have previously attempted to identify various alternatives for rights holders and sponsors to combat ambush marketers, highlighting a number of potential remedies and best practices (Meenaghan, 1994; Townley et al., 1998; Crompton, 2004b; McKelvey & Grady, 2008), there remains considerable confusion as to the relative success or value of such measures (McKelvey & Grady, 2008; Burton & Chadwick, 2009). Within the existing counter-ambush recommendations, two major areas are apparent: marketing-oriented counter-ambush strategies, which place greater responsibility on sponsors to leverage and better communicate their relationship with a property in an effort to limit potential ambush opportunities, and minimize the detrimental effects of ambush marketing efforts; and the employment of legal protection by rights holders, utilizing the

intellectual property rights infrastructure available to prohibit the illegal association of non-sponsoring brands with an event or property (Crompton, 2004b).

The Legal Implications of Ambush Marketing

Historically, the legal protection of sponsorship against ambush marketing has guided much of the academic discussion of sponsorship protection. Although a number of marketing- or management-based strategies have been proposed (e.g., Meenaghan, 1996; Crompton, 2004b; McKelvey & Grady, 2008), the enforcement of legal and legislative protection against ambushers has nonetheless been pervasive. And yet, the success of legal manoeuvres in preventing ambush marketing has been marginal (Hoek & Gendall, 2002); the legal precedence set for ambush marketing is largely undeveloped, and past court findings have typically favoured ambush marketers in cases not involving direct infringements of intellectual property rights (Coulson, 2004). Moreover, cases of ambush marketing are difficult to prove, as most ambushing efforts fall outside the law, manifesting instead as competitive marketing practices wholly within the legal rights of the ambushing brand (Hoek & Gendall, 2002).

Nevertheless, the parallels between ambush marketing and intellectual property rights law – and the continued reliance of commercial rights holders on legal protection in defending sponsorship (Burton & Chadwick, 2009) – have offered researchers the opportunity to explore why ambush marketing's legal precedence has favoured ambushers, and how best to protect sponsorship through legal action. Retsky (1996) and Townley et al. (1998) provide two of the earliest considerations of the legality of ambush campaigns within this context: Retsky (1996), for example, made note of the care and precision taken by ambushers to avoid potentially illegal campaigns, but argued that property rights holders may succeed in proving misappropriation of goodwill or unfair competition, protections offered in American law under the 1978 Lanham Act or the Amateur Sports Act (Bean, 1995). Coulson (2004), too, highlighted the enforcement of misappropriation – or passing-off – as a means of combating ambushing, particularly given the dearth of cases directly involving trademark or copyright infringement.

Fig 2.2 has been removed due to third party copyright. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University

(Image: Hoek & Gendall, 2002)

**Figure 2.2 – 2001 New Zealand Rugby Football Union
Canterbury Ambush Marketing Campaign**

In 2001, sportswear manufacturers Canterbury released a new shirt commemorating the 1924 'Invincibles' New Zealand All Blacks team, which used independent, unofficial logos to promote their historical relationship with the team. The New Zealand Rugby Football Union initiated legal action against Canterbury, but the suit was dismissed, as the shirt's logos did not belong to the NZRFU or adidas. The court found that the shirts caused no confusion for consumers between their products and adidas' official offering, clearing Canterbury of any allegations of passing-off.

Passing-off, commonly defined as the act of selling goods or providing services under the intended assumption of connection with another organization, provides the most directly related legal construct to ambush marketing, particularly in cases where ambushers avoid the use of protected marks or a direct or explicit reference to a property. Coulson (2004), however, underlined the difficulties faced by organizers in proving that an ambush marketing campaign constitutes passing-off, namely, that the plaintiff must successfully argue that the efforts of the ambush marketer unlawfully or illegitimately confused or misguided consumers by misrepresenting an association with a property, incurring damages to the rightful property (Coulson, 2004). Ironically, in many jurisdictions consumer surveys are used to prove consumer confusion in cases of trademark infringement or passing-off (Miaoulis & D'Amato, 1978). However, to date no concrete proof has yet been established that ambush marketing negatively impacts recall of sponsors. The legal precedent set by cases such as the National Hockey League v. Pepsi-Cola Canada (1990), and the New Zealand Rugby Football Union (NZRFU) v. Canterbury International Ltd. (2001) (*see Figure 2.2*), have favoured the ambush marketer, further complicating the legal protection against ambush marketing sought by sponsors and rights holders (McKelvey, 1992; Hoek & Gendall, 2002; McKelvey, 2006).

Townley et al. (1998) further suggested a number of key recommendations for sponsors and rights holders in order to better employ the available legal frameworks in their defense of sponsorship. Key to the protection of sponsorship, the authors argued, organizers must: ensure the use and monitoring of official marks and protected intellectual property; exercise control over the participating athletes, teams, member associations, or other stakeholders, preventing their involvement in ambush marketing campaigns during the event; and understand and maximize the legal and legislative protection available to sponsors in the relevant jurisdictions for the event. The authors also indicated that injunctions and cease-and-desist letters might offer rights holders the most effective means of protecting sponsors during an event, despite providing little protection against the occurrence of ambushing. Given the short timeframes during which most sporting events take place, and the often quick, timely campaigns utilized by ambushers to maximize their association with an event, lengthy trial cases, which

also create additional media coverage and give added attention to the ambusher, provide little direct protection for sponsors. Securing injunctive relief, however, offers rights holders immediate recourse in protecting sponsors, and limits the visibility of an ambusher during the event – a potentially valuable tool for major events protection.

Wood et al. (2004) further pursued this suggestion, noting that the majority of ambush marketing cases dealt with legally have resulted in court-granted injunctions, with only a very small minority resulting in actual lawsuits, and fewer still argued in court. A review of major international and high-profile instances of ambush marketing further draws into question the value of injunctions or cease-and-desist letters in protecting sponsorship at the highest of levels (Wood et al., 2004; Vassallo et al., 2005). Major sporting events such as the Olympics or FIFA World Cup report hundreds of ambush marketing incidents every year, but the vast majority of those investigated are small-scale or local businesses using protected phrases or imagery in promotions, who are unwilling or unable to challenge court injunctions or risk facing legal action. In such instances, cease and desist letters, or court-ordered injunctions, offer immediate relief and protection against illegal ambush campaigns. However, cease and desist letters have provided little protection against larger, more creative or surreptitious efforts, which are careful not to infringe upon the intellectual property rights of organizers and rights holders.

Instead, the most effective legal means of preventing ambush marketing and protecting sponsors on a large scale has arguably been the introduction and enforcement of anti-ambush marketing legislation in host countries. The specific use of trademark and intellectual property rights legislation as a means of deterring and prosecuting ambush marketers began with the Australian government's adoption of the *Sydney 2000 Games (Indicia and Images) Protection Act* in 1996 as protection for the 2000 Summer Olympics Games (Curthoys, Chambers & Kendall, 2001). By the late-1980s, Australia had already enacted legislation protecting Olympic symbols and marks, as have many other participating and host countries in the years since. However, as Luck (1998) and Townley et al. (1998) have noted, organizers for the Sydney Olympics sought new means of protecting the 2000 Olympics following the pronounced commercialization of

the 1996 Atlanta Games, and the rampant ambush marketing by non-sponsoring companies witnessed. While ambush marketing has persisted, and the legislation enacted did little to dissuade major international instances of ambushing, the legislation enacted was well received by Olympic officials and sponsors, and has since emerged as a necessary component of any Olympic host city's bid process (Vassallo et al., 2005).

For example, in 2006 – one year after the announcement of London as the 2012 Olympic Games host – the United Kingdom officially enacted the *London Olympic Games and Paralympic Games Act 2006*. This act, designed to monitor and aid in the organization of the upcoming Games, featured five major sections, of which only one dealt with the commercial aspects of the Olympics – specifically, the advertising and marketing surrounding the Games, meant to protect against ambush marketing (Stephens, 2005). Among the clauses included, specific mention is given to additional protection granted for Olympic marks and intellectual property, as well as to measures put in place to address previous known ambush marketing strategies, such as proximity advertising, ticket giveaways, and illegal merchandising. While the impact of London's legislative protection has yet to be seen, the evolution in public opinion surrounding ambush marketing as a result of such legislation provides perhaps the greatest example of the evolution of ambush marketing over its three decades of existence.

Whereas early examples of ambushing were condemned by rights holders as unethical, legal and legislative measures to protect against ambushers have raised concerns over human rights infringements and anti-competitive practices, raising doubts over the ethical practices of rights protection. The overzealous and draconian efforts taken by some rights holders, organizers, and host governments have overshadowed the legal discussion of ambushing in recent years. Restrictions imposed on spectators entering venues in South Africa at the 2003 Cricket World Cup, banning canned beverages and branded t-shirts (Kelso, 2003), and legal action threatening local restaurants for perceived ambush marketing efforts in Canada in preparation for the 2010 Winter Olympics (Hume, 2004) have brought attention to the measures in place to protect sponsors to a broader audience, and highlighted the rigor with which such means are enforced.

Although it remains unexplored in academic literature, consumer opinion of those strategies utilized in combating ambush marketing merits consideration, particularly given consumers' apathy towards ambushing as an unethical practice (Shani & Sandler, 1998). Excessive rights protection measures, and overly public restrictions against alleged cases of ambush marketing, succeed in further promoting the ambush marketer in the media, and encourage a negative portrayal of the efforts made by organizers. Organizers must be aware of the impact potentially excessive measures may have on public opinion, and ensure that the protection of sponsors and sponsorship revenues does not come at the expense of spectators and consumers, a balance not yet met by commercial rights holders, but worthy of greater investigation.

Ambushing as a Marketing Concern

Given the limitations of sponsorship's legal protection, it is perhaps useful to examine more thoroughly those marketing-oriented counter-ambush measures recommended and in use, particularly given the importance placed on sponsorship management in recent ambush marketing studies (Farrelly et al., 2005; Séguin & O'Reilly, 2008). Among those strategies recommended by academics which take a more pronounced marketing emphasis, perhaps none have been more important than the cooperation between organizers and broadcasters in distributing broadcast advertising and the more effective activation of a sponsor's association, as first suggested by Meenaghan (1994). Meenaghan outlined five key strategies available to rights-holders and sponsors, of which four emphasized a greater involvement on the part of sponsors in the protection against ambush marketing: (i) for sponsors to pressure organizers and rights holders to better protect sponsor rights and to police the event for offending campaigns more effectively; (ii) the importance of linking event and broadcast sponsorships in order to limit televised ambush opportunities; (iii) to encourage a greater move towards anticipation and preparation on the part of sponsors, thereby blocking-out potential ambush avenues; and (iv) the improved exploitation of marketing opportunities by sponsors, more effectively capitalizing on the available consumer interest and attention afforded to event marketers.

Interestingly, Meenaghan's (1994) suggestions demonstrated a degree of foresight into the evolution of counter-ambush strategies, as counter-ambush techniques have since experienced a pronounced shift towards a more proactive, preventative approach akin to his recommendations (Burton & Chadwick, 2009). Sponsors and rights holders have increasingly embraced a more comprehensive, positive approach to the activation of sponsorship, adopting multi-tiered, extensive marketing campaigns in order to prevent would-be ambushers, and increase sponsorship effectiveness (Farrelly et al., 2005).

Historically, however, the onus of responsibility for sponsorship protection – both professionally and theoretically – has been on rights holders (Shani & Sandler, 1999; Crompton, 2004b; Burton & Chadwick, 2009). McKelvey & Grady (2008), outlined five strategies key to the protection of sponsors, emphasizing the role played by rights holders in protecting and establishing ownership over the event marketing environment: (i) greater public relations involvement and consumer education; (ii) extensive on-site policing and regulation; (iii) de-limited clean zones and restricted marketing opportunities in proximity to host sites; (iv) greater enforcement of ticket regulations; and (v) the use of legislation to protect sponsors' rights and prevent the unauthorized use of protected marks. The specific mention of ticketing issues reflects the emergence of one of the most recent ambush marketing strategies employed – the use of tickets in promotional giveaways by non-sponsors, a breach of contract in event ticket law. McKelvey (2003) previously explored this ambush strategy following the legal action taken by the National Collegiate Athletic Association (NCAA) against ambusher Coors; unlike the vague and limited legal precedence surrounding passing-off and ambush marketing in law, the legal framework surrounding ticketing has protected events from ambush marketing in the past, and has been successful in combating ambushers.

Organizers then, it is argued, must guard against ambushing in order to protect the investments made by sponsors. This argument has, however, proven contentious as researchers have stressed the need for sponsors to do more to limit ambush opportunities and better promote their own official associations (Farrelly et al., 2005; Burton & Chadwick, 2009). Indeed, of Meenaghan's (1994) proposed counter-ambush measures, three referred directly to the actions – or inactions – of sponsors, leading to

ongoing calls for greater involvement and proactive measures by sponsors in defending their investment, such as the development and implementation of brand protection systems (Séguin & O'Reilly, 2008; Preuss, Gemeinder & Séguin, 2008). Such suggestions have been consistent throughout more recent ambushing studies, highlighting a more pronounced use of sponsorship-linked marketing as means of protection and prevention against ambushers. However, the success of such attempts, and the value of capitalizing on marketing opportunities around a sponsorship have yet to be meaningfully investigated within the existing literature, suggesting the need for a greater analysis of the existing sponsorship protection activities of event sponsors, and the relative success of sponsorship linked marketing in preventing ambush marketing.

Sponsorship-linked marketing, defined by Cornwell (1995) as “the orchestration and implementation of marketing activities for the purpose of building and communicating an association to a sponsorship” (p. 15), potentially provides the most important defense against ambush marketing by sponsors, independent of the protection measures enacted by organizers and governing bodies. Meenaghan (1994) and Farrelly et al. (2005) both stressed the need to block-out potential ambush marketing opportunities through a sponsor’s own marketing, serving both to reinforce a company’s association to a property, and to limit potential opportunities for ambush marketers. However, as evidenced by the growth in ambush marketing, and the wealth of marketing media and opportunities available to ambushers upon which to capitalize, there remains considerable room for improvement for sponsors in adopting sponsorship-linked marketing practices. Further research into how important a role sponsorship activation, and effective communication on the part of sponsors can play in the defense against ambush marketing is needed.

Ambushing as a Managerial Concern

Unfortunately, while the counter-ambush initiatives introduced by Meenaghan (1994) and Crompton (2004b) provide a preliminary understanding of the response taken by major sports properties and event organizers in protecting against ambushing, the managerial implications of ambush marketing on sport sponsors have yet to be explored, and remain an area of research in need of greater investigation. Although

the effects of ambush marketing on sponsorship have been the focus of considerable attention over the past two decades, little evidence exists to support the view of ambushing as a parasitic or devaluative force (Lyberger & McCarthy, 2001a; Crompton, 2004b). Since the advent of ambush marketing, sponsorship has experienced unprecedented growth financially, becoming one of the largest and fastest growing marketing communications platforms available to marketers. Ambush marketing attempts appear to have done little to discourage investment in sponsorship, instead inspiring sport marketers and major rights holders to adopt more sophisticated sponsorship practices, and encouraging the development of sponsorship as a legitimized, professional, and progressive form of marketing.

Intuitively, then, the greatest effect ambush marketing has had on sponsorship has been in the management of sponsorship activities and agreements. The extant sponsorship literature has identified and explored a number of key managerial considerations intrinsic to the successful management of sponsorship activities, such as the selection of a sponsorship property, the setting of measurable aims and objectives, human resources management, and the marketing management of sponsorship-linked marketing (Meenaghan, 1991a, 1991b; Cornwell & Maignan, 1998; Tripodi, 2001). The extant ambush marketing literature offers a preliminary understanding of the challenges faced as a result of ambush marketing, examining the impact of ambushing as a factor of marketing clutter, and the potential confusion and distraction caused by ambush campaigns. However, while commercial rights holders have adopted and employed a number of counter-ambush measures designed to mitigate the threat posed by ambushing and protect sponsors, there has been an inherent lack of consideration given to the managerial considerations resulting from such initiatives.

Likewise, the ethical and legal implications of ambush marketing have been discussed at length within the existing literature; however, the practical application or impact of such concerns have yet to be explored, and the extant ambush marketing literature has neglected the inevitable challenges and management concerns arisen for official sponsors. The extent of ambush marketing's influence on sponsorship management, and the potential concerns or complications created by ambush marketing's

proliferation have yet to be examined, highlighting a fundamental shortcoming of the existing ambush marketing literature. It is imperative that greater consideration is given to the managerial implications of ambush marketing on sport sponsorship, in order to better assess the true impact of ambushing on sponsorship practices, and better understand the nature and evolution of ambush marketing.

2.4 – Theoretical Conclusions

The existing sponsorship and ambush marketing literatures provide a valuable framework upon which to base a theoretical exploration of ambush marketing. While sport sponsorship has grown immensely – both in financial value and managerial sophistication – over the course of ambush marketing’s development, there remain significant discrepancies in our understanding of what ambush marketing is, what forms or strategies encompasses, and what actual impact it has had on sponsorship practice. As such, additional research is needed in order to truly assess and understand the impact ambush marketing has had on contemporary sport sponsorship.

Recently, the academic study of ambush marketing has shifted methodological focus, adopting an increasingly qualitative approach, as compared to earlier quantitative, consumer-based measures. Making use of case study analyses and interviews in place of consumer recall studies, ambush marketing research since the turn of the 21st century has shown greater awareness of the broader considerations of ambush marketing in sport (e.g., Scherer et al., 2005; Farrelly et al., 2005; Séguin & O’Reilly, 2008). Such an approach has allowed for the renewed investigation of what constitutes ambush marketing, and revealed further insight into how ambush campaigns are perceived within the sport sponsorship community, ultimately resulting in the acknowledgement among many practitioners and researchers of ambush marketing as a legitimate marketing strategy (Séguin & O’Reilly, 2008). Combined with the emergent view of ambushing as akin to marketing noise or clutter for sponsors, this emerging trend may ultimately signal a new paradigm in ambushing literature, beyond the considerations of ambush marketing’s legality and morality that have limited studies to date.

Nevertheless, despite these advances a number of criticisms can be made of the existing ambush marketing literature. To date no definitive understanding of ambush marketing exists, and recent developments in sport marketing have raised renewed concerns over the actual impact of ambushing on sponsors, and what specifically constitutes ambush marketing, or what forms it takes. The academic discussion of ambushing is based on definitions proposed twenty years ago, and based on a limited perspective on the aims, motives, and uses of ambush marketing as a marketing communications tool. While the sponsorship industry has experienced a period progressive economic growth over the course of ambush marketing's development, and the heightened awareness among sponsors and commercial rights holders of the challenges posed by ambush marketers, ambushing as an area of scholarly research has remain largely underdeveloped.

The major contributions upon which the majority of ambush marketing research is based date back to the late-1980s and mid-1990s (e.g., Sandler & Shani, 1989; Meenaghan, 1994, 1996; McDaniel & Kinney, 1996), reflecting the interest and growing awareness of ambush marketing following the 1984, 1988, and 1992 Olympic Games. While ambush marketing has since re-emerged within sponsorship and sports marketing research as an area of interest (e.g. Crompton, 2004; Scherer et al., 2005; Séguin & O'Reilly, 2008), the majority of ambush marketing research and the key findings that have guided the direction and scope of ambush research reflect an outdated and outmoded perspective of ambushing. Moreover, while a number of counter-ambushing methods have been suggested in previous studies (Crompton, 2004b; Meenaghan, 1994; McKelvey & Grady, 2008), these strategies have yet to be meaningfully tested or explored. Although the discussion of ambush marketing is firmly and necessarily rooted in the discussion of sport sponsorship, there is a dearth of research into the actual impact of ambush marketing, from a practical, managerial, or strategic perspective on sponsors. Without better understanding the nature and implications of ambush marketing, it is impossible to fully ascertain the need for – and relative success of – the counter-ambush measures employed by event organizers.

It is with these limitations in mind that this study aims to explore ambush marketing from a theoretical perspective, contributing a definitive understanding of contemporary

ambush marketing, and adding to the existing discussion on sponsorship management and protection. Despite the best efforts of sponsors and commercial rights holders, ambush marketing remains a consistent threat to international sponsorship, necessitating greater investigation into ambush marketing's nature and role within today's sports marketing industry and an improved understanding of the danger posed. This study thus endeavors to add value to our understanding of ambushing by conceptualizing ambush marketing and exploring the managerial implications of ambush marketing for sport sponsors as a theoretical, conceptual, and practical consideration. In better understanding the nature and strategy of ambushing, and constructing a more theoretically-relevant, applied perspective of ambush marketing as a marketing communications strategy, this research represents the first exploration into ambush marketing from a managerial perspective, extending the study of sponsorship management and ambush marketing and contributing a theoretical foundation upon which to build the future study of ambush marketing and sport sponsorship management.

Chapter III: Research Methods

OVERVIEW

This chapter provides a detailed review of the methodological approach taken in conducting this study, highlighting the key concerns, methods, and aims of the research. Providing a detailed look at the underlying framework and construction of the study, and the individual phases of research undertaken, the chapter provides a preliminary examination of the key findings stemming from the preliminary phases of research completed, as well as a detailed review of the data collection and analysis undertaken. The chapter concludes with an in-depth review of the processes undertaken in completing the study, from which the study's key findings and discussion are derived.

3.1 – Research Philosophy and Design

Given the dearth of theoretical investigation in ambush marketing research, and the continued evolution of sponsorship over the last three decades, this study aims to re-investigate the nature and role of ambush marketing as a product of the broader sport marketing environment, asking: *“What is the nature of ambush marketing, and what effect has it had on the management of sport event sponsorship?”* While previous studies into ambush marketing have provided an introduction to ambushing as a theoretical construct, there remain significant theoretical and methodological limitations within ambush marketing literature in need of addressing. In adopting a grounded theoretical approach, this study endeavours to address the fundamental lack of conceptual analysis within ambush marketing research, and explores the managerial implications of ambush marketing for sport sponsorship. The following provides a detailed review of the research approach taken in this study, including the philosophical considerations, research strategies used, and data collection methods employed.

Research Philosophy

The methodological design employed here reflects a number of important philosophical and epistemological considerations that informed the selection and employment of the research methods utilized. Throughout social science and research methods literatures the value and contribution of different methods and research approaches has been widely contested (Lincoln & Guba, 1985; Sekaran, 1992; Welman & Kruger, 2001; Holden & Lynch, 2004). This discussion ultimately reflects the debate that exists in philosophical science between nomothetic and ideographic research approaches (Gill &

Johnson, 1997). Nomothetic research, which favours deduction and explanation via causal links and relationships, has typically underpinned and defined the positivist regime that has dominated marketing research over the past 40 years. By contrast, ideographic methods utilise subjective meaning and understanding in the inductive generation of theory, a practice now commonplace in social sciences research. The decision between nomothetic and ideographic methods must be reflective of the research being undertaken and the philosophical approach of the researcher in question. As Saunders, Lewis & Thornhill (2007) explained, the approach and process adopted by the researcher will dictate not only the strategies and aims of the study, but equally the timing, data collection methods, and analysis techniques employed. The choices and decisions facing researchers, Saunders et al. continued, form a 'research onion' (*Figure 3.1*), consisting of six layers or stages: research philosophy, approach, strategy, methodological choices, time horizons, and data collection techniques or procedures.

Figure 3.1 – The Research Onion

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(Saunders et al., 2007)

The selection of this study's research methods reflects the need for greater investigation into the nature, role, and impact of ambush marketing in sport sponsorship, at both a conceptual and a managerial level. The extant ambush marketing literature represents a largely atheoretical field of research, over-reliant on positivist methods, with particular interest in the recall and recognition of ambushers and sponsors and the confusion caused by ambush campaigns, and in quantifying the supposed detrimental impact of ambushing on sponsorship returns. While ambush marketing has existed as an area of interest and academic research within sponsorship for over two decades, no concrete or theoretically viable understanding of ambush marketing exists. As such, a grounded theory approach was adopted, affording the opportunity to conceptualize ambush marketing and develop a legitimized theory of ambush marketing communications, while grounding the study in the practical and professional realities of sponsorship and ambush marketing. As such, a cross-sectional perspective was taken, examining ambushing as a contemporary and evolving phenomenon, as it impacts and influences sponsorship management practices and strategy today.

The employment of grounded theory represents an innovative approach to the study of ambush marketing, and a unique opportunity to explore the nature, evolution, role, and impact of ambush marketing from a conceptual and theoretical perspective. As described by Neuman (2000), theory refers to “a system of interconnected abstractions or ideas that condenses and organizes knowledge about the social world” (p. 60). Within grounded research, “theory develops and evolves during the research process due to the constant overlap and interplay between the data collection and analysis phases” (Eriksson & Kovalainen, 2008, p. 156). Throughout, the researcher endeavors to collect data and generalize results, exploring the relationship between variables and concepts, and categorizing types in forming a conceptualized theory describing the phenomenon (Jankowicz, 2002).

Ideally, grounded theory research should begin ‘tabula rasa’ – from a clean slate – and allow theory to emerge and develop organically without outside influence of the bias of pre-existing information or research (Glaser & Strauss, 1967; Goulding, 2001). However, from a practical perspective, such an approach is unrealistic. Noted Fischer &

Otnes (2006), “Adhering strictly to this approach is simply impracticable: prior research cannot be ignored. It *must* shape research questions, though its influence on the research questions asked is likely to unfold over the course of an investigation” (p. 21). Rather, as Gibbs (2002) argued: “The point is that, as far as possible, one should try to pull out from the data what is happening and not impose an interpretation based on pre-existing theory. For the grounded theorist, qualitative analysis is about generating new theory” (p. 60).

As such, the study’s design, direction, and key considerations are based upon a number of important factors. First, the major aims and objectives adopted are based on existing theoretical limitations that have been identified within the extant academic literatures on sponsorship management and ambush marketing, and seek to contribute a more advanced conceptual and practical understanding of ambush marketing and the challenges posed to sponsorship. Second, the experiences, perspectives, and opinions of industry practitioners informed the study’s direction, grounding the study in the professional reality of ambush marketing, and providing added context to the study’s findings. Finally, in embracing a grounded theory approach, theoretical saturation was sought throughout the data collection and analysis phases by pursuing all relevant and available data in order to construct a complete and refined theory of ambush marketing (Glaser & Strauss, 1967; Strauss & Corbin, 1998; Goulding, 2001).

Research Design

In constructing the study’s final methodology, a dynamic and responsive approach was taken. Grounded theory requires that data is collected and analyzed until such time as theoretical saturation is achieved, and that all relevant or important information is collected (Strauss & Corbin, 1992). As such, a prescriptive methodology proves too limiting, not allowing for the data collection process to extend into different methods and alternative sources. Rather, an evolving methodology is best, as individual phases of data collection and analysis inform subsequent stages. The study’s final adopted methodology consists of a multi-stage, multi-faceted ideographic approach, aimed at investigating ambush marketing and sponsorship management at a theoretical level and at developing a new and unique understanding of the nature and role of ambushing as a

marketing communications tool. Individual phases of research followed logically from stage to stage, in an effort to ensure that all necessary and relevant data was collected, and to achieve theoretical saturation and methodological triangulation. The methods employed comprise three principal data collection phases and incorporate a variety of data collection sources, including a documentary analysis, structured interviews, and in-depth exploratory semi-structured interviews. Such an approach provides additional fullness and variety in the data collected, and offers greater validity and reliability to the study's findings (Bryman & Bell, 2003). The methodology designed equally has facilitated the achievement of theoretical saturation, a key tenet of grounded theory, and afforded the findings a consistency and reliability integral to data source triangulation (Yin, 2003).

Table 3.1 – Tabulated Summary of Methodology

	Research Contribution	Sample Size	Research Aims Addressed
Phase (1)	The development of a unique Ambush Marketing Case Database, providing a historical perspective on ambushing	Undefined	Analysis of current sponsorship market; construction of a unique database of ambush marketing
Phase (2)	A series of preliminary, exploratory semi-structured interviews, designed to gauge the opinions of industry practitioners, and identify the relevant contemporary issues surrounding ambush marketing	12 respondents	Contextual analysis of current sponsorship environment; cross-stakeholder perspective of practices in ambush marketing and sponsorship protection
Phase (3)	Following a comprehensive analysis of the results from Phases I and II, a series of in-depth practitioner interviews were undertaken to explore the nature and role of ambush marketing in sport sponsorship, and identify key implications of ambush marketing on sponsorship management and relations	11 respondents	The development of a theoretically grounded and legitimized conceptualization of ambush marketing; the construction of a typology of ambush marketing strategy, elaborating the dynamism and complexity of contemporary ambush marketing practices; the identification of key managerial responses and future directions in sponsorship

3.2 – Phase I: Constructing an Ambush Case Database

The initial research phase undertaken consisted of an in-depth critical analysis of the existing secondary data regarding ambush marketing, including an exhaustive review of the relevant academic literature (*see Chapter II*), and a comprehensive analysis of documented ambush marketing efforts at sporting events over the past three decades. In order to ground the study in the practical reality of sport sponsors and ambush marketers, and ensure the relevance and application of the study's findings both academically and professionally, professional accounts and experiences with ambushing were identified and analyzed. Taking an interpretivist approach, this examination of secondary sources informed the study's direction, and provided a grounded basis for the research's preliminary findings (Osborn & Baughn, 1987; Hergert & Morris, 1988; Glaister & Thwaites, 1994).

Historically, marketing research has too strongly relied on positivist methods, and has over time come under criticism for its reliance on objective, empirical studies (Stewart, 1952; Easton, 2002). Desphande (1983) criticised this bias towards positivism, questioning the dependence of marketing researchers on nomothetic methods. Rather, Desphande argued that marketing research should be based on a more realist, grounded approach, that provides greater relevance and application to the practitioner community, and should not be dominated by a single, overriding paradigmatic view of research (Hunt, 1990; Randall & Miles, 1992; Razzaque, 1998; Easton, 2002). While the use of interpretivist methods and qualitative methodological approaches remains less widely used in contemporary marketing research, interpretivism presents the opportunity to more fully understand the social importance and reality of a situation than do existing positivist methods (Remanyi, Williams, Money & Swartz, 1998; Saunders et al., 2007; Leitch, Hill & Harrison, 2010). As the social world is not intrinsically knowable, knowledge is based on individual interpretation and understanding (Bryman & Bell, 2003), and developed through a subjective understanding of an actor's social reality and perspective (Blaikie, 2000; Mason, 2002). Generating theory from data thus allows for a greater understanding of this reality and of the social world (Chalmers, 1982), and affords a more complex and grounded understanding of a research phenomenon.

The document analysis undertaken drew from more than 1,870 sources relevant to the study of ambush marketing. In order to account for the persistent confusion that exists within the sponsorship industry regarding ambush marketing's actual nature and definition, the collection of data sources was extended to include guerrilla marketing in sport, parasitic marketing, and sport sponsorship, accounting for any potential overlap or inter-changeability between the different terms employed by news media, rights holders, and other sources. Overall, a wide array of documents and data sources were solicited and analyzed, including print media, web-based news sources, legal documentation, television advertising media, as well as peer-reviewed journal articles, collected ambush marketing materials, and first-hand observations on the part of the research team and participants.

While the academic study of ambushing remains a relatively new and developing field, the importance of sponsorship to sporting events has led to a considerable amount of media coverage surrounding ambushing and events-based sport marketing. This media attention has equally led to the reporting of a wide array of ambush marketing attempts, as well as of the efforts by sponsors and rights holders to protect against ambushing, providing a wealth of data upon which to draw. Sources and ambush cases from North America, Europe, Oceania, Africa, Asia, and South America informed the documentary analysis, providing an international perspective to the examples examined. Given the international scope of major sporting events such as the FIFA World Cup, IOC Summer and Winter Olympics, and UEFA European Championships – events where ambush marketing has manifested most prominently – incorporating a global scale in conducting the analysis was imperative.

The examination of secondary sources conducted was on-going throughout the duration of the study in order to maintain comprehensiveness and to include the most recent examples and issues possible. Rather than providing a detailed review and analysis of the content collected, the aim of the document analysis was to create a database of legitimate sponsorship ambushing incidents. This preliminary work served to inform the study's understanding of ambush marketing as a practical and professional concern, and to highlight the various tactics and strategies employed by ambushers, and the counter-

ambush methods used by event hosts, organizers, commercial rights holders and sponsors over the previous thirty years.

A number of important factors influenced the direction and undertaking of the documentary analysis, informing the sources collected and guiding the analysis undertaken. First, given the study's principal interest in ambush marketing and sport event sponsorship, only those instances of ambush marketing whose actions or notoriety impacted on sponsorship in some way were of interest. Most major sporting events (such as the Olympics or the World Cup) employ ambush marketing protection teams to investigate often hundreds of potential ambush marketing cases each event year, many of which are simple cases of intellectual property rights infringement involving the use of trademarks, copyrights, the unlawful manufacturing of merchandise, or the illegal re-distribution of tickets. According to FIFA, more than 3,300 intellectual property rights infringements were investigated as part of rights protection and counter-ambush efforts in 2006 alone (FIFA, 2009).

While such infringements are undoubtedly of interest to commercial rights holders, their impact on sponsorship is minimal, and can easily be dealt with by the enforcement and protection of an organization's intellectual property rights. In order to properly assess and understand the nature of ambush marketing as related to sponsorship, only those cases of ambushing with discernible implications for the management of sponsorship relations – for both sponsors and commercial rights holders – were included. As such, instances of ambush marketing involving direct competition between sponsor and ambusher, the employment of counter ambush strategies or tactics by sponsor or rights holder, the enforcement or enactment of ambush specific-legislation, and similar responses, were of greatest interest in compiling the resultant database.

Moreover, the analysis was limited to those examples where verifiable and identifiable information regarding the ambush marketer was available. The vast majority of minor ambush marketing cases go unreported in the media and academic literature, with rights holders and official press partners reluctant to grant additional media coverage ambushing brands. Press attention affords ambush marketers free publicity, magnifying

the ambush campaign and extending the ambusher's reach to a broader audience. The following excerpt highlights one of the complications presented within this analysis, and the manner in which ambushing has most commonly been dealt with in the media:

A few flags were confiscated during the Netherlands-Denmark Group E match at Soccer City on Monday as part of FIFA's plan to protect its World Cup brands.

Soccer's world governing body also removed flags emblazoned with company logos during Sunday's Group D match between Ghana and Serbia at the Loftus Versfeld Stadium in Pretoria.

'In fact there were mass ambush activities by one company from Ghana during yesterday's match and as per the regulations the FIFA Rights Protection team had to collect a few flags carrying heavy commercial branding,' FIFA spokesman Nicolas Maingot said in an emailed response to Reuters.

'Most other flags where the branding was only very small were not taken away.'

(Lourie, 2010)

Such statements represent the most common response taken by commercial rights holders and sponsors when addressing the activities of ambush marketers. By withholding the ambushing brand's name, the rights holder limits the potential attention and enhanced awareness sought by ambushers. However, such an approach equally restricts the information available regarding specific ambush marketing cases. While many of the most controversial or notable examples of ambushing have received international media attention (such as Bavaria's ambush of the 2006 FIFA World Cup), the majority of ambush marketing incidents go unreported, or receive only sparing mention. As a result, many of the cases observed and recorded are the product of personal observation, journalistic and editorial content, and media reporting on the sponsorship framework surrounding sport, ensuring the validity of those cases collected.

3.2.1 – The Ambush Case Database

The final database contains 550 cases of ambush marketing, each documenting the year, event, ambusher, and ambushee (the official sponsor impacted by the ambush campaign, where applicable), as well as a detailed summary of the ambush attempt, and any counter-ambush measures or activities employed by the rights holder or sponsor

(see Table 3.2 for a selection of sample cases). In addition to cataloguing ambush marketing cases across the different sports, events, and countries implicated throughout ambush marketing's development, the database provides a unique perspective of the evolution experienced within ambush marketing strategy in response to changes in the sport marketing environment around events, and to the sponsorship protection measures enacted by rights holders.

Table 3.2 – Selected Examples from the Ambush Marketing Case Database

Year	Event	Ambusher	Ambushee	Ambush Methods Employed Counter-Ambush Response Taken (where applicable)
2010	FIFA World Cup: South Africa	Irn-Bru (AG Barr)	Coca-Cola	<p>Scottish soft-drink maker Irn Bru released a series of World Cup themed adverts in a campaign titled 'Bruzil', encouraging support for a hybrid Scottish-Brazilian national team qualifying for the 2034 World Cup.</p> <p>Among the advertisements released, one featured a Scottish woman singing a lullaby to a newborn Brazilian/Scottish baby, destined to grow up to be an international football star for Scotland. Another advert featured a Scottish woman in Brazil colours, waiting on the results of a Bruzil pregnancy test.</p>
2008	UEFA Euro 2008: Austria & Switzerland	Nike	adidas	Nike, in advertising its football line of products around the European championships, created a television advert following a footballer's career leading up to an international appearance for Holland against rivals Portugal, incorporating Nike's sponsorship of many of the major teams and athletes participating in the tournament, and highlighting Nike's involvement in the tournament.
1996	UEFA Euro 1996: England	Nike	Umbro	Nike purchased all advertising space and outdoor media in and around Wembley Park tube station as a means of promoting the brand during the event. These actions inspired UEFA's pre-emptive measures taken for Euro 2000 and tournaments since (renting all advertising media within 1-3km radii of venues).
1992	Summer Olympics: Barcelona, Spain	American Express	Visa	In response to rivals Visa's exclusive sponsorship and supplier agreement with the IOC, American Express ran advertisements correctly stating that visitors to Spain 'don't need a visa'. Visa took no official action, and American Express publicly defended their advertising campaign as legitimate and not ambushing.

Throughout the documentary analysis and construction of the ambush case database, a further examination of the examples and incidents collected was undertaken. Cases were examined individually across a variety of data sources and documents, in order to establish a comprehensive view of each reported ambush and to provide additional context and detail to each example analyzed. The database was then manually coded, allowing for key words, phrases, or descriptions to be noted, and for a preliminary view of the development of ambush marketing campaigns to emerge. Similar or related ambush campaigns were identified throughout the analytical coding process, as well as the methods, techniques, and media employed by the ambusher, providing additional context to the activities of specific ambushing brands. Likewise, the counter-ambush mechanisms employed by rights holders and emergent trends and themes apparent in ambushing's application and evolution were explored, which afforded a contextualized and applied understanding of ambush marketing as a practical consideration within sport sponsorship.

Based on this analysis, a number of preliminary observations can be made that inform the subsequent direction and focus of the study and evidence an apparent evolution in ambush marketing over the course of the past three decades. First, the cases analyzed illustrate the considerable confusion that exists within both media accounts and the professional understanding of ambush marketing with regards to ambushing's actual nature of definition. Throughout the collection and analysis of relevant examples, the term 'ambush' was commonly misappropriated to describe marketing activities falling outside the consideration of those sporting and governing bodies most concerned with ambush marketing as a practice, and indeed beyond the interests of this study. Likewise, legitimate instances of ambush marketing were often misrepresented as 'guerrilla' marketing, 'parasitic' marketing, or 'rogue marketers'. Such instances emphasize the general confusion and misunderstanding surrounding ambushing activities outside academic study and highlight the difficulty faced in conducting a theoretical examination of ambush marketing. Ambush marketing manifests as a considerably more complex and diverse form of marketing than previously considered, and requires a much broader, more representative understanding of the methods and strategies employed.

Historically, ambush marketing has been seen as a predominantly tactical, parasitic activity aimed at devaluing the official sponsorship of a market rival or at intentionally confusing consumers as to the identity of an official sponsor. McKelvey (1994), for example, defined ambushing as:

The intentional efforts of one company to weaken, or ‘ambush’, a competitor’s official association with a sports organization, which has been acquired through the payment of sponsorship fees. Most often, an ambush marketing campaign is designed to intentionally confuse the buying public as to which company is in fact the official sponsor of a certain sports organization. (p. 20)

Upon examination of the ambush case database, however, such an understanding appears limited and inadequate; the examples identified and explored exemplify a much more diverse and creative phenomenon than described by McKelvey. Two of the most prominent and publicized examples of ambushing collected – while both exemplifying the direct, competitive relationship between ambusher and ambushee previously assumed by researchers (Sandler & Shani, 1989; McKelvey, 1994; Payne, 1998) – evidence two completely opposing approaches to ambush marketing. In 1992, Nike was alleged to have ambushed rivals Reebok, the official sponsors of the United States basketball programme. During the gold medal ceremony, Michael Jordan and several other members of the ‘Dream Team’ covered all Reebok insignia on their Team USA apparel with American flags, at the orders of endorsees Nike (*Figure 3.2*). Although the athletes made no mention or reference to Nike throughout the presentation, Nike’s actions in protecting their own association with Jordan became one of the most recognizable examples of ambushing in sponsorship history.

By contrast, Pepsi’s ambush of the 1996 ICC Cricket World Cup exemplified perhaps the most flagrant or blatant direct reference to an event without infringing on a property’s intellectual property rights in ambush marketing history. In response to Coca-Cola’s sponsorship of the World Cup, and the aggressive promotion of their ‘official’ status with the event, Pepsi marketed heavily around the tournament using the catchphrase ‘Nothing Official About It’ (*Figure 3.3*). The campaign remains among the most direct and controversial examples of ambush marketing recorded.

Fig 3.2 has been removed due to third party copyright. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University

(Image: Mike Powell/ ALLSPORT, 1992)

**Figure 3.2 – 1992 Barcelona Summer Olympic Games
Nike Endorsement Protection**

In one of the most famous and visible ambush marketing campaigns of the past thirty years, Nike-sponsored basketball players – including Nike's premier endorsee, Michael Jordan – covered up Reebok symbols during the Olympic men's basketball gold medal ceremony to protect their endorsement agreements with Nike, ambushing rival Reebok's official agreement with the USA Olympic Team.

Fig 3.3 has been removed due to third party copyright.

(Image: Factoidz.com, 2011)

**Figure 3.3 – 1996 ICC Cricket World Cup, India
Pepsi 'Nothing Official About It' Campaign**

During the 1996 ICC Cricket World Cup, Pepsi designed a marketing campaign using the catchphrase 'Nothing Official About It', in response to Coke's aggressive promotion of their official sponsorship of the event, directly alluding to the event and their rival's sponsorship agreement.

Such examples illustrate the varied and diverse nature of ambush marketing, and highlight significant gaps in our understanding of ambush marketing from a theoretical perspective. Many of the ambushing cases identified lie outside the parameters of those definitions previously proposed, and represent a distinct evolution in ambush marketing practices over time.

A number of potential causes for this evolution bear mention. First, ambush marketers appear to have embraced the emergence of new technologies and the development of new media (such as the internet, mobile communication, and global satellite coverage of sporting events), opening the door to new opportunities and unparalleled access to consumers and spectators, accelerating ambush marketing's growth and potential.

A visible progression in the media used, strategies employed, and the sophistication with which ambush marketing campaigns have been carried out, is evident throughout the database. Whereas the earliest ambush examples noted relied predominantly on broadcast sponsorship during events and the sponsorship of participating teams, nations, athletes, or media involved with an event, ambush marketers have increasingly engaged with consumers through social media and mobile communications. For example, of the 68 ambush cases identified around the 2010 FIFA World Cup, 28 involved viral online communications, fan engagement and interaction, or the use of social media, including campaigns by Nike, Puma, and Pepsi.

Moreover, a progressive adaptation on the part of ambushers to the rights protection and counter-ambush measures implemented by commercial rights holders is evident throughout the cases examined. Rights protection programmes have grown immensely over the course of ambush marketing's development, imposing increased control over the event marketing spectrum, and attempting to more effectively protect against potential ambush marketing campaigns. A distinct evolution in counter-ambush activities is apparent over the course of the 21st century, moving from a predominantly reactionary, retroactive approach – such as the use of 'name and shame' public relations manoeuvres (wherein a sponsor or rights holder decries the activities of ambush marketers through the media) or the employment of legal action – towards a more proactive, preventative means of sponsorship protection. Rather, commercial rights

holders have adopted an increasingly positive approach in addressing potential ambush marketing efforts, employing improved broadcast sponsorship regulation, ambush-specific legislation, intellectual property rights enforcement, and in-stadium marketing restrictions. The initiatives implemented have made it difficult for non-sponsors to attract attention or generate awareness in the area around stadia, and have encouraged ambushers to identify new opportunities and strategies in order to circumvent the protective infrastructure in place and associate more creatively with events.

The use and enforcement of marketing exclusion zones surrounding stadia and event host sites, for example, has significantly altered the nature of ambush marketing campaigns conducted in the immediate vicinity of major events. In response to Nike's use of surrounding billboards and advertising media around Wembley Stadium at the 1996 UEFA European Championships in England, and again in France at the 1998 FIFA World Cup, UEFA and commercial partners International Sports and Leisure (ISL) implemented protected marketing zones around host stadia for the 2000 UEFA European Championships in an effort to restrict ambush opportunities and prevent the use of marketing media adjacent to host sites. Noted McKelvey (2000):

The one clash that is guaranteed is between two of the world's biggest sports companies, as UEFA's marketing agency ISL Worldwide tries to prevent arch-enemy Nike from ambushing Europe's top football event.

First blood has already gone to the Swiss agency, which has taken the unprecedented step of drawing up 'exclusion zones' of between one and three kilometres around each stadium by buying all outdoor media sites for its official sponsors (MW last week). And it has been liaising with the local councils of host towns and cities in Holland and Belgium, urging them not to approve other media activities.

It hasn't stopped there - ISL has snapped up all the TV sponsorship packages across Europe and at least one 30-second ad during each broadcast of the tournament.

An ISL spokesman says: "We know Nike has had a dedicated team working on Euro 2000 projects for months. We've been working closely with host cities to ensure ambush proposals are not approved."

Following the subsequent enactment and strict enforcement of similar marketing exclusion zones by IOC officials in Salt Lake City, Athens, and Turin, a discernible change in strategy is apparent in ambush marketing throughout the database. Although

such measures are intended to limit available opportunities for ambush marketers, ambushers have seemingly adopted and employed more creative, subversive methods to circumvent the restrictions in place, suggesting an increased awareness on the part of ambushers of the regulations and laws prohibiting certain activities. Reebok, for example, ambushed the 2008 Beijing Olympics by concentrating their marketing efforts in Shanghai, creating prominent campaigns throughout the city that leveraged their endorsement agreement with Chinese basketball star Yao Ming (*Figure 3.4*). Although Beijing officials secured a marketing exclusion zone believed to extend up to 30km around official Olympic sites, such protection excluded other major population centres, allowing brands like Reebok, Nike, and Pepsi the opportunity to market heavily throughout the country.

Fig 3.4 has been removed due to third party copyright. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University

(Image: Partnership Activation, 2008)

**Figure 3.4 – 2008 Beijing Summer Olympic Games
Reebok Shanghai Ambush Marketing Promotion**

On billboards across China (though not within Beijing's restricted zones), Pepsi used Yao Ming as the face of their summer's advertising for the 2008 Olympics, leaving little doubt whom sponsored the Chinese basketball star during the Games.

Likewise, ambushers have consistently circumvented the legal framework surrounding sponsorship protection and intellectual property rights, employing increasingly creative and subversive imagery and terminology. Among the cases collected, less than 10% (42 of 550) were subjected to legal action. ‘Cease and desist’ letters and court-ordered injunctions have historically offered some protection in dealing with smaller-scale, regional cases, however, the vast majority of international ambush marketing campaigns – with discernible repercussions or implications for sponsors – have avoided the illicit use of protected marks. This trend has continued despite the enactment of stricter and wider-reaching legislation in host countries such as Canada, South Africa, and the United Kingdom. Based on the examples collected, and the evolution in ambush marketing strategy evident throughout the examples analyzed, the success of such activities appears marginal. Ambushers have demonstrated an awareness and adaptability to the rights infrastructures in place, and identified new opportunities in leveraging against major events.

The database analysis ultimately provides an important contextual review of the evolution of ambush marketing in recent years, and affords a grounded perspective of the industry relevance and the practical application of ambushing within sponsorship. Throughout, a pronounced evolution in the strategies, methods, and media employed by ambush marketers is evident. The presence of ambush marketing around major events has grown consistently over time, as sport’s value in marketing has grown and the opportunities available to ambushers have developed. While major rights holders (e.g., FIFA, UEFA, IOC) have taken a stronger stance in preventing ambush marketing within the controlled environment of an event and implemented improved regulations regarding the presence of marketing in and around events, ambush marketers appear to have increasingly embraced a more creative, surreptitious, and subversive approach to aligning with major events. In so doing, ambushers have successfully evaded the rights protection efforts of organizers and sponsors, and increasingly demonstrated a willingness and ability to adapt and evolve to the restrictions in place.

3.3 – Phase II: Preliminary Practitioner Interviews

Following the initial development and analysis of the ambush case database, a secondary phase of data collection was designed, in order to provide additional perspective into the practical implications of ambush marketing for sponsorship stakeholders. As noted within the database analysis, few of the sponsorship protection strategies identified directly impact sponsors, instead of relying largely on organizers, rights holders, and host governments to protect against ambush marketing. As such, a series of semi-structured interviews with industry practitioners were undertaken, aimed at investigating further the practical and professional impact of ambush marketing on sponsorship. The interviews explored the views, experiences, and perspectives of sponsorship stakeholders, further grounding the study in the concerns and understandings of the practitioner community.

The use of semi-structured interviews is a widely accepted and endorsed practice in social science research (Zaltman, LeMasters & Heffring, 1982; Saunders, Lewis & Thornhill, 2000; Wengraf, 2001; Bryman & Bell, 2003); the open, exploratory nature of the interviews affords the researcher an opportunity to explore and explain themes emergent within the extant theoretical framework (Robson, 1993; Wass & Wells, 1994; Saunders et al., 2000; DiCicco-Bloom & Crabtree, 2006). Within sponsorship and ambush marketing research, the use of in-depth, qualitative interviews has emerged as a key means of data collection and theory development (Amis, Pant & Slack, 1997; Amis et al., 1999; Amis, 2005; Séguin & O'Reilly, 2008). In seeking to expand upon the knowledge, perspective, and experience of respondents within a social or business setting, and to examine the practices and actions of actors, semi-structured interviews offer flexibility and openness in developing the discussion between interviewer and interviewee, in order to best explore the research topic and expand upon previous findings (Saunders et al., 2000; Bryman, 2008). The design of individual interviews, and the specific direction and focus of each discussion, is tailored to the interviewee, which allows for key considerations and core findings to be explored and discussed at length within the context of the respondent's own views and experiences. Noted Saunders et al. (2000):

In semi-structured interviews, the researcher will have a list of themes and questions to be covered although these may vary from interview to interview. This means that you may omit some questions in particular interviews, given the specific organizational context which is encountered in relation to the research topic. The order of questions may also be varied depending on the flow of the conversation.

On the other hand, additional questions may be required to explore your research question and objectives given the nature of events within particular organizations. The nature of the questions and the ensuing discussion mean that data will be recorded by note taking, or perhaps by tape recording the conversation. (pp. 243-244)

In conducting the interviews, a grounded theoretical approach was taken, consistent with the philosophical and methodological considerations that informed the study's design (Glaser & Straus, 1967; Strauss & Corbin, 1990). Grounded theory research endeavors to generate and refine theory throughout the data collection and analysis phases through the exploration and examination of the words, actions, and behaviour of subjects observed and recorded by the researcher (Glaser & Strauss, 1967; Strauss & Corbin, 1998; Goulding, 2001). In order to facilitate this approach, Flanagan's (1954) Critical Incident Technique (CIT) was employed, affording the study a methodological framework by which to conduct data collection and analysis. Following its development, CIT emerged as a common method of analysis within grounded theory, particularly in examining previously unexplored research phenomena. In line with the key tenets of grounded theory, CIT endeavors to generate and refine theory through the collection, analysis, and interpretation of the words, actions, and behaviours of subjects, seeking to generate observations and construct a consistent narrative within the data collected (Glaser & Strauss, 1967; Serenko & Stach, 2009). This approach allows for core concepts and findings to emerge organically from within the data by pursuing data and exhausting available sources until all relevant and necessary data is collected, an objective termed theoretical saturation in grounded theory research (Eriksson & Kovalainen, 2008).

The use of CIT in social sciences research, and specifically in business and management studies, is widely accepted (Bitner et al., 1990; Bitner, 1995; Burns et al., 2000). Based on a series of interviews wherein key informants detail important information and personally-relevant experiences relating to the study (Anderson & Nilsson, 1964),

CIT calls for the researcher to construct an informed abstraction and inference into the phenomena being studied, which forms the basis for subsequent analysis and validation (Bitner, Booms & Tetreault, 1990; Callan, 1998; Lockshin & McDougall, 1998; Burns, Williams & Maxham, 2000). While CIT is potentially limited by the data collected and subject to possible bias on the part of either the researcher (in the questions asked, and the inferences made or analysis conducted) or the subject (in the responses provided, and the opinions, perceptions, and experiences presented), the adopted method nevertheless provides a detailed framework by which to conduct interviews, as well as the opportunity to qualitatively analyze the data collected from each interview through the identification and development of codes and causal relationships (Bryman & Bell, 2003; Wimmer & Dominick, 2006; Bryman, 2008).

In order to mitigate any potential limitations resulting from the employment of CIT, theoretical sampling – an integral component of grounded theory research (Neuman, 2000) – was utilized throughout the interview process. Noted Strauss & Corbin (1998), theoretical sampling represents a form of “data gathering driven by concepts derived from the evolving theory and based on concept of ‘making comparisons’, whose purpose is to go to places, people, or events that will maximize opportunities to discover variations among concepts” (p. 201). Given the potentially contentious or controversial view of ambush marketing held by many in the sponsorship industry, and the relatively limited scope of ambush marketing as an industrial consideration (concerning predominantly major, international sporting events, and high-expenditure, global- or national-level sponsors), purposive sampling was employed in order to approach key informants and target specific respondents.

Purposive sampling refers to the deliberate identification and selection of respondents in order to collect all possible data from within a difficult to reach or highly specific population (Neuman, 2000). This provides an invaluable means of ensuring that key informants are approached, and that all relevant and informative data is collected.

Interview participants were sought based on known experience within the industry, expertise in ambush marketing and sport sponsorship, and by recommendation of other respondents. This approach allowed access to key informants from across sponsorship

stakeholders in the United Kingdom, Continental Europe, and North America, including intellectual property rights lawyers, sponsorship consultants, and sports marketing researchers. Given the comparatively small reach of ambush marketing within the broader sponsorship industry (typically restricted to large international events and sports properties), employing theoretical sampling ensured a focused and direct sampling approach, soliciting key informants and industry experts.

By exploring the experiences and perspectives of sponsorship practitioners across a cross-sectional view of the sponsorship industry, the interviews provide a diverse understanding of the challenges faced by sponsorship programmes and further ground the study in the practical reality of sport event sponsorship. While sponsorship executives of known sports sponsors were considered as potential interview participants, the broader, more varied perspectives and experiences of sponsorship stakeholders (including rights holders, sponsorship consultants, and intellectual property rights experts) offered greater insight into the implications of ambush marketing within the context of the study's preliminary findings. As identified throughout the ambush case database, the majority of counter-ambush marketing measures are the responsibility of the commercial rights holder or event organizer. As such, sponsorship stakeholders across a variety of roles and involvements in the industry offered a more direct and diverse perspective on ambushing's impact. In total, twelve executives completed interviews, offering first-hand knowledge of the interaction and interrelation between sponsors, rights holders, and ambush marketers, and providing a practical understanding of the nature and implications of ambush marketing (*see Table 3.3 for a breakdown of interview participants and their role in the sponsorship industry*). In an effort to achieve theoretical saturation, respondents were solicited and interviews conducted until such time that the marginal returns of additional participation was minimal.

In preparing the interview schedules, a series of ten core questions were constructed to focus on key areas of interest, such as the nature of ambush marketing, and the measures employed by rights holders and sponsors to protect against ambushing. Questions ranged from "How would you define ambush marketing?" to "To what extent

would you say ambush marketing has impacted your sponsorship practices?” – in order to canvas respondents’ experiences and perspectives on the role, presence, and nature of ambushing in sports sponsorship, and its implications for sponsorship stakeholders. Additional prompts and follow-up areas of discussion were created, specific to each participant’s role and expertise in sponsorship, in an effort to ensure that questions were answered fully, and that all relevant or pertinent data was collected (*See Appendix A for complete interview schedule including additional prompts and follow-up questions*).

Interviews were undertaken by telephone between May 2008 and September 2008, immediately surrounding the 2008 UEFA European Championships. While the interviews took a broader focus than any specific tournament or sporting event, the European Championships provided a frame of context for the discussions and added relevance to the study’s formative stages. The decision to employ telephone interviews in lieu of face-to-face discussions was based upon two primary concerns: first, the cost of interviewing participants in person was deemed prohibitive, given the international scope of the interviews and the diverse backgrounds and geographic locations of the respondents. Telephone interviews facilitated a broader reach than face-to-face interviews would have afforded, and ensured an internationally representative sample. Moreover, in light of the timeframe set for the interviews – immediately surrounding the European Championships – it was decided that the travel costs and logistical considerations necessary in arranging and conducting the interviews in person was beyond the reach of this study.

Second, in light of the potentially contentious and controversial nature of ambush marketing, and the often confidential nature of sport sponsorship practices and agreements, it was decided that telephone interviews afforded the best means of mitigating any possible issues of bias, as well as allaying any fears or concerns respondents may have had with regards to confidentiality or anonymity. Noted Neuman (2000): “Interviewer bias is [...] greatest in face-to-face interviews. The appearance, tone of voice, question wording, and so forth of the interviewer may affect the respondent” (p. 273). In sum, the employment of telephone interviews

provided greater access to participants and ensured respondents' comfort and openness, easing potential concerns of bias or reticence on the part of interviewees.

Table 3.3 – Preliminary Semi-Structured Interview Participants

<i>Interviewee</i>	<i>Role in sponsorship industry</i>	<i>Nationality</i>
<i>R1</i>	Lawyer, International Sports Law Firm	United Kingdom
<i>R2</i>	Director, International Sports Marketing Consultancy	France
<i>R3</i>	Intellectual Property Rights Lawyer; Former legal specialist for major international sports federation	Switzerland
<i>R4</i>	Owner, Marketing Research and Publishing Company	United Kingdom
<i>R5</i>	Business Director, Marketing Consultant	France
<i>R6</i>	Corporate Lawyer, Major International Sports Sponsor	United States of America
<i>R7</i>	VP Strategy, Marketing Consultancy	United Kingdom
<i>R8</i>	Chief Executive, Sponsorship Consultancy	United Kingdom
<i>R9</i>	Associate Professor, Sport Business; Director of International Sport Marketing Research Institute	Canada
<i>R10</i>	Professor of Business Administration (Marketing/Communications)	United States of America
<i>R11</i>	Researcher, Sport Sponsorship and Marketing	Canada
<i>R12</i>	Director, Sport Marketing and Business Publisher	United Kingdom

The final interviews ranged between 35 and 85 minutes in duration. Following each interview, a summarized report was produced, and a detailed analysis of the interview was undertaken. The duration of interviews was a product of the nature and breadth of data being collected based on each individual respondents' own perspectives and experiences, as well as external time constraints due to the participant's schedule and availability. Eight of the twelve participants consented to the recording of the interview, necessitating detailed note taking during each of the four interviews not recorded. Interviews were kept strictly confidential and anonymous, with official names and positions of respondents withheld throughout the recording, transcription, and analysis of each discussion. Each respondent was given an alphanumeric designation, ensuring the anonymity of participants throughout the analysis and discussion of findings (for example, respondent one was renamed R1, respondent two R2, and so on). In order to facilitate subsequent analysis, notes and remarks were taken during the course of the interviews, reflecting the key arguments of participants, and the moods, interest, and emphasis placed on responses (Ghauri & Gronhaug, 2002). Following each discussion,

the interviews were transcribed, allowing for the interview to be coded and analyzed, and quotes to be edited for reporting purposes (Bryman & Bell, 2003).

Within qualitative research, coding refers to “the process of converting raw information or data into another form of analysis” (Neuman, 2000, p. 506), as a means of identifying and exploring core concepts and relationships within the data collected and operationalizing key constructs within a content analysis. While the use of a qualitative analysis software package such as NVivo was considered in order to facilitate the analysis, a manual approach to content analysis was adopted, offering a more efficient and resourceful means of analyzing the interviews within the timeline set. This proved invaluable in deciding the final direction of the study, as it allowed for an in-depth examination of the study’s preliminary findings, and provided an opportunity to build a better understanding of the challenges and issues presented by ambush marketing.

In analyzing the interviews manually, a three-tiered, grounded theory coding procedure was undertaken, that consisted of open, axial, and selective coding (Strauss & Corbin, 1998). The initial open coding built upon the findings of the literature review and preliminary analysis of the ambush case database. Key constructs – such as the nature of ambush marketing, its legality, morality, and legitimacy within sports marketing, and its practical impact on sponsorship programmes and rights protection – formed the basis for the preliminary codes developed. Additional codes, emergent within the data, were further identified and explored, highlighting a number of unique constructs noted by respondents. These preliminary codes then provided the basis for a second, axial coding of the data – parsing the interviews for the constructed codes and identifying relationships between variables, refining the concepts observed (Gibbs, 2002). This process represents an integral step in analyzing and understanding the data collected, and exploring the constructs and concepts identified. Noted Goulding (2001), “Concepts are a progression from merely describing what is happening in the data, to explaining the relationship between and across incidents” (p. 26). The axial coding phase therefore afforded an opportunity to evaluate the interrelationship between constructs and codes, and better examine emergent findings and concepts.

Finally, selective coding was undertaken in order to better define and categorize the codes identified, and to further explore the key concepts emergent within the interviews. The interview transcripts and research notes were re-coded in an effort to refine and unify the concepts identified within the open and axial coding processes, forming the basis of a series of principal data categories, grouping key findings and themes together towards the development of preliminary theoretical perspective (Glaser & Strauss, 1967; Strauss & Corbin, 1998). The categories created describe both the nature and precursors of ambush marketing and the managerial considerations and implications for sport sponsorship as identified by participants, and offer an important insight into the nature and impact of ambushing within sponsorship practices.

3.3.1 – The Nature of Ambush Marketing

One of the key motivators behind this research has been the pronounced lack of clarity and uniformity in defining ambush marketing within ambush marketing and sponsorship literature, the media, and professional practice. Significant confusion exists with regards to the nature or definition of ambushing, which has limited the theoretical investigation of ambushing, and restricted the professional response to ambush campaigns (Hoek & Gendall, 2002; Crow & Hoek, 2003; McKelvey & Grady, 2008; Grady et al., 2010). However, this confusion appears to be representative of a broader evolution in ambush marketing over the course of the last thirty years, as evidenced by the distinct change in media, approach, and strategy employed by ambush marketers throughout the ambush case database. These advances have complicated the definition of ambush marketing, necessitating a more thorough investigation into ambushing's nature and the principal drivers behind ambushing's rise.

At the outset of each interview, respondents were asked to define ambush marketing, based upon their own experiences and involvement with ambushing and sponsorship. The definitions proposed emphasized a variety of factors, ranging from predominantly rights holder-based legal perspectives, to more marketing-focused, opportunistic definitions. For example:

“Securing an unauthorized association with a valuable property” (R1);

“Gaining media exposure for an event that you haven't purchased the official rights” (R3);

“A company conducting marketing activity around a sports property, which creates in consumers’ mind a link to the event – including a broad spectrum of behaviors and activities” (R4);

“An initiative by a non-sponsoring company eliciting marketing recognition” (R5).

Throughout, a number of key concepts describing the nature and role of ambush marketing were identified – including ‘opportunism’, ‘innovation’, ‘creativity’, and ‘fan equity’ – which provide evidence of the evolved approach ambush marketing has embraced since its emergence. Paramount to this evolution has been the adoption of an increasingly associative or indirect approach to affiliating with sports properties, utilizing surreptitious imagery or terminology as means of suggesting an association with an event:

What we consider ambush is where people associate themselves with the event without actually using the marks. With more indirect references out there in the marketplace – and it usually takes a certain amount of cleverness to do this – in some countries it can actually be somewhat overt, depending on how the laws on trademark or unfair competition are written.

We consider true ambush to be is where someone is not using the marks but associate themselves with the event and create the impression in the consumers’ mind that they have an association with the event. (R6)

This creative, opportunistic understanding reiterates the findings of Phase I, and evidences an increasingly strategic approach on the part of ambush marketers, that provides “*an opportunity to access consumers or a target audience alternative to sponsorship, a means of creating an affiliation, and deriving benefit from sporting events and properties*” (R2). Whereas ambushing has typically been viewed as a tactical marketing ploy by brand seeking to avoid the capital costs of official sponsorship (Payne, 1998; McDaniel & Kinney, 1998; Payne, 2005), the practitioners interviewed emphasized a considerably more planned and deliberate approach by ambush marketers that seeks to capitalize on the awareness, attention, and ‘fan equity’ afforded to marketers by sports properties. Respondents stressed the creativity of ambushers, rather than the parasitic intent traditionally assumed of ambush markets. Instead, the innovation and intelligence of ambushers was noted, utilizing suggestive imagery, terminology, and timing in their promotions (for example, Guinness’s World Cup-themed campaign released for the 2010 South African tournament, *Figure 3.5*).

Fig 3.5 has been removed due to third party copyright. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University

(Image: Guinness GB, 2010)

**Figure 3.5 – 2010 FIFA World Cup, South Africa
Guinness Ambush Marketing Campaign**

In line with the 2010 FIFA World Cup in South Africa, Guinness created a marketing campaign titled “Bring It To Life”, featuring print advertisements that promoted viewing parties for World Cup matches in pubs across Great Britain, and featured distinctive imagery and phrasing referring to important moments in World Cup history.

Fan equity – the emotive link between a consumer and an organization affiliated or associated with a sports property to which that consumer supports or has an affection – has been studied in-depth by marketing and sport management academics as one of the key differentiators between sport and more traditional products and services (Tsioutsou & Alexandris, 2009). Similar to brand equity, wherein a brand fosters (and attempts to exploit) a positive cognitive and emotive association with a consumer through that brand’s product, price, place, or promotion (Keller, 1993), fan equity refers to the phenomenon where supporters of a specific team, athlete, or even country, have been shown to react more favourably to and demonstrated an affective transference to those sponsors or marketers seen to support their interests or passions (Meenaghan, 1991b; Tripodi, 2001). In establishing a connection or implied affiliation with an event (or related property, such as a competing team, nation, or athlete), ambush marketing provides non-sponsoring brands a means of leveraging the value of that property and capitalizing on the available fan equity.

Fig 3.6 has been removed due to third party copyright. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University

(Image: Asics USA, 2010)

**Figure 3.6 – 2010 Los Angeles Marathon
Asics Ambush Marketing Promotion**

Shoe brand Asics, in an attempt to capitalize on the LA Marathon and ambush rivals K-Swiss, sponsored the Pacific Park Ferris Wheel on the Santa Monica Pier, adjacent to the marathon's finish line. Asics offered free rides and drinks to spectators throughout the day of the run, engaging with fans and promoting the shoe brand heavily along the race course.

The interrelation between ambush marketing and fan equity suggests a direct correlation between ambush marketing's development and the continued growth of sport as marketing platform, and sponsorship as a marketing communications alternative. Participants consistently referred to the 'goodwill' of fans sought by establishing an association with sport, with particular emphasis on the potential benefits for ambushers in relating their brand to fans and creating a positive experience or impression within the minds of consumers as drivers behind this continued growth. This interaction with fans and consumers represents a growing awareness among sport marketers of the importance of building fan engagement, creating marketing campaigns and promotional giveaways, online viral marketing, and interactive campaigns (such as Asics' ambush of the 2010 Los Angeles Marathon, *see Figure 3.6*), that are aimed at creating additional interaction with consumers and embedding the brand within the fan experience of an event (Ford, 1990; Bridgewater, 2007):

The major challenge for ambushers is choosing the right event or opportunity and ideas for a brand. It has to make sense for the brand, ensuring the campaign is not something negative – adding to and benefiting from goodwill, rather than eroding it. People should feel positive about it, it should add to the experience of the event, not detract from it. (R2)

This increasingly strategic, capitalistic intent on the part of ambushers appears to have mirrored sport's own development as a marketing platform, reflective of the increased value sport represents in consumer marketing. Argued one respondent: *"Brands are looking to engage with consumers more through sport as a platform. From a commercial perspective, [ambush marketing] is a level of endorsement – that someone has the desire to ambush"* (R7). Interviewees stressed that, rather than parasitizing or attacking events and official sponsors, ambush marketing should instead be seen as a positive reflection of the value of sport as a marketing platform:

The canoeing federation would be over the moon that anyone would want to ambush their activities. From a commercial perspective, in some ways, [ambush marketing] is a level of endorsement – that someone has the desire to ambush.

What [ambush marketing] says about sponsorship is probably a good thing – that brands are looking ever more to engage their consumers through sport as an industry is a good thing. (R7)

The marketing value sport presents to brands has thus propelled the role and potential of sponsorship (and, in turn, ambush marketing) as a marketing tool towards a more capitalistic and strategic form of marketing communications, in an effort to leverage against the latent marketing value of sport, and better communicate with consumer through sporting events and properties.

Unfortunately, despite the advances made in ambush marketing strategy indicated within the interview data, the sole consensus among respondents in defining and describing ambush marketing was an inherent difficulty in summarizing ambush marketing in concise terms: *"The term itself is easy, broad, encompassing, though not always specific or properly applied. You can't limit it to any one medium. No one sentence can define it"* (R2). There remains a continued lack of clarity within the practitioner community as to ambushing's exact definition, nature, or constitution, ultimately limiting our understanding of ambush marketing, and its potential impact

on sport sponsorship. The definitions proposed by respondents, and the examples and experiences detailed throughout the discussions, revealed vastly different views and perspectives of ambushing, ranging from wholly legitimate, creative, and innovative marketing campaigns, to illegal rights infringements against organizers, rights holders, and official sponsors. Noted one interviewee:

It is such a grey area that – have I experienced it? Yes, I probably have.
Have I done it? Yes, I probably have, depending on how you define it.
There is such a big debate around what it is, what it isn't, that I often find it difficult to comment. (R1)

In many ways, given the more capitalistic nature of ambush marketing described by respondents and evidenced in the ambush case database, 'ambush' marketing as a title may be somewhat misleading; rather, the French 'pseudo-parrainage', or pseudo-sponsorship, is perhaps more applicable (Mazodier & Quester, 2008). Based on the cases analyzed within the database constructed, and the perspective and experiences shared by industry executives, it is evident that the existing definitions of ambush marketing espoused within the extant literature are inaccurate. Further investigation into the actual nature and impact of ambushing is required in order to better understand the challenges and possibilities presented, and to expand upon the preliminary definitions and understandings investigated here.

3.3.2 – Implications for Sponsors and Rights Holders

The interview analysis undertaken further provided significant insight into the practical implications of ambush marketing for sponsorship stakeholders. While the database revealed a number of predominantly reactionary, retroactive counter-ambush strategies historically employed by rights holders in combating ambushing (e.g., legal action, 'name and shame' public relations manoeuvres), the interview data emphasized a more proactive approach to sponsorship protection. The measures noted – including the enforcement of increasingly stringent ambush marketing legislation and an increased emphasis on sponsorship-linked marketing – represent a preliminary look into the preventative measures employed by sponsors and rights holders in dealing with ambush marketers, and exemplify the changes and adaptations ambush marketing has demanded of sponsorship stakeholders.

The Contractual Evolution of Sponsorship Agreements

Central among the changes and considerations identified by interviewees was the development and sophistication of sponsorship contracts, and the contractual obligations of both sponsor and sponsee in contemporary sponsorship programmes:

Preventative measures are essential to protecting against ambush marketing. As sponsors and rights holders have become more aware of the threat posed by ambush marketing, sponsorship contracts have grown.

Now, a lot of the drafting of sponsorship contracts for governing bodies and sponsors relates to limiting the scope for ambush marketing and putting obligations on the rights holder to do everything in their power to limit ambush marketing. (R1)

Following on the implementation – and gradual refinement – of category exclusivity and rights bundling within sponsorship agreements, commercial rights holders and event sponsors have sought to secure greater contractual protection for their agreements, thereby better controlling the marketing media owned by events and surrounding stadia, and further regulating the activities and responsibilities of sponsorship partners:

Ambush marketing covers a spectrum of activity, without confining you to one avenue of redress. It's so important to cover off potential opportunities, and protect contractually as much as possible, because the legal framework that's there can only prevent so much. (R6)

As such, sponsorship has embraced an increasingly sophisticated and robust contractual approach, aimed at preventing ambush marketing opportunities and better regulating the event marketing environment for official sponsors. Expectations and responsibilities are set out, and rights protection measures are described with specific regard to the potential opportunities available to ambush marketers, and the necessity placed on rights holders to protect sponsors:

Sponsorship contracts are getting more and more sophisticated, trying to cover off as many different possibilities for ambush opportunities. Seven or eight years ago, you would have a three-line clause saying 'the rights holder will use their reasonable endeavor to prevent ambush marketing'.

Nowadays, you'll have a four or five page schedule setting out the actual obligations that a rights holder will do to ensure that ambush marketing can't be dramatically effective.

That goes beyond just respecting exclusivity... it goes all the way to ensuring that trucks with Perrier branding all over them parked outside the gates of the stadium are quickly moved on by the police, and the advertising

boarding in a one-mile radius of the stadium are booked for main sponsors, things like that. They fall under the remit and the obligation of the rights holder. (R1)

Whereas previously, the relationship set out within a sponsorship contract reflected the existing transactional or commercial view of sponsorship – detailing the exchange between sponsor and sponsee, and the rights and allowances for marketing – contemporary sponsorship contracts reveal a more relational perspective on ambush marketing, wherein expectations and responsibilities are set out, and rights protection measures are specifically described. Given the difficulty faced by rights holders in establishing control over the marketing landscape surrounding events (Hoek & Gendall, 2002; Burton & Chadwick, 2009; McKelvey & Grady, 2008), this contractual evolution of sponsorship has been an integral step in the development of sponsorship management. While the clauses and expectations included within sponsorship contracts vary between different federations and rights holders, the view commonly held by practitioners appears to be of a growing reliance on more refined, inclusive sponsorship contracts.

Sponsorship-Linked Marketing Protection

For sponsors, the managerial implications of sponsorship's contractual advancement is clear: in addition to having to manage the various obligations and expectations of rights holders and act within the parameters and allowances secured within negotiations, sponsors must increasingly work in tandem with rights holders in order to protect their own investments, setting out expectations of rights holders and more effectively communicating their own association with the event (Yang, Sparks & Li, 2008). Said one respondent: "*Sponsors are becoming more and more dynamic – the onus is on them to activate their rights more actively, effectively, and to block-out ambush marketers*" (R5). While commercial rights holders have implemented a number of contractual counter-ambush measures, and taken steps towards protecting sponsors, the evolution of ambush marketing towards a more indirect, creative form of marketing strategy illustrated in the case database has necessitated the evolution on the part of sponsors and encouraged a more proactive, strategic approach in communicating their involvement with events.

While contractual barriers and legislative protection exist to prevent ambush marketers from entering official venues and onto host sites (as evidenced by the cases analyzed within the database), more creative, innovative brands have succeeded ambushing properties by capitalizing on the attention surrounding sporting events both inside and outside stadia, and activating fan support as part of the ambush campaign. Such indirect ambushing has necessitated an evolution on the part of sponsors, and encouraged a more proactive, strategic approach in communicating their involvement with events. As one executive advocated, *“Sponsors enjoy the benefit of category exclusivity, and must take advantage of their competitive position to justify the cost of investment, better protect their own investment, and maximize the sponsorship’s marketing potential”* (R2). There exists a distinct onus of responsibility on sponsors to better communicate their associations with events, and more effectively prevent potential ambush marketing opportunities.

Within sponsorship literature, the activation of a sponsorship association through marketing is known as sponsorship-linked marketing (Cornwell, 1995). Central to the effective promotion of a sponsorship agreement is the integration of marketing strategies within a brand’s marketing communications (Berkowitz, Kerin & Hatley, 2000; Quester & Thompson, 2001; Miloch & Lambrecht, 2006). This leveraging a brand’s association with a property is aimed at reinforcing the sponsor-sponsee relationship, and creating a synergistic link between sponsor and sponsee brand image and equity:

Activation strategies should be designed to form a link between the event attendee and the sponsor’s product. Enhanced public relations efforts, internal communications, traditional advertising, hospitality, internet tie-ins and enhancement of business-to-business partnerships are the most attractive forms of activation for sponsors. (Miloch & Lambrecht, 2006, p. 153)

Successful sponsorships actively promote their association with a property and establish a link in consumers’ minds between the property and the brand, capitalizing on the image transference between sponsor and sponsee, and the goodwill afforded to sponsors by fans and consumers. The creation of a lasting, meaningful association with a property is essential in developing the integration and activation necessary for such a presence. Said one respondent: *“A one-off spike in consumer awareness or attention*

from ambushing isn't good enough to create a meaningful impression; sponsorship is 24/7/365" (R5). In taking a measured, proactive approach to the leveraging and promotion of a sponsorship, such effective activation 'blocks out' potential ambush marketers, and limits the potential for ambushing companies to associate themselves meaningfully with a brand. As one interviewee argued, "*Ambush marketing should be a catalyst for stronger sponsorship – I have no sympathy for those not activating or leveraging effectively*" (R4).

Ultimately, sponsorship's contractual development – and the increased onus of responsibility on sponsors to better activate and protect their own association with a property – illustrates the growing acknowledgement of the latent value of sport sponsorship agreements, and the possible challenges posed by ambush marketing. In adopting a more sophisticated, measured approach to protecting sponsorship rights, and by elaborating the expectations and responsibilities of both parties in activating, delivering, and protecting the sponsorship, the advances made evidence a progressively proactive and aware approach on the part of sponsorship stakeholders. Despite the advances made, the prevailing view among practitioners (and academics) has stressed the responsibility of rights holders to protect sponsors above all else, necessitating an increasingly interventionist approach on the part of events:

Sponsors are forcing the rights holders to take action. The sponsor can protect their own investments – and exploit the rights they've purchased in association with an event – but they are not in a position to prevent entities associating themselves with that event.

The rights owner – by definition – owns the rights in that event, and therefore they're the entity that really should be policing those rights and protecting them as much as they can. (R1)

The Legal and Legislative Response to Ambush Marketing

Historically, rights protection measures have typically centered around the legal and legislative protection afforded to commercial rights holders through intellectual property rights law (McKelvey, 1992; Townley et al., 1998; Hoek & Gendall, 2002; McKelvey & Grady, 2008). Unfortunately, the vast majority of major international instances of ambush marketing fall outside of these existing legal parameters (Wood et al., 2003; Burton & Chadwick, 2009), as evidenced by the dearth of relevant and

successful cases uncovered within the ambush case database. Respondents echoed this view, as one noted that: “*the vast majority of advertising that is ambush usually does not fall under trademark infringement, it plays off the theme of the events*” (R6). While the infrastructure in place provides a measure of protection against smaller-scale, less inventive ambush marketing incidents, the existing laws – and the enforcement of intellectual property rights – have largely proven ineffective in combating ambush marketing. As a result, rights holders and event host countries have increasingly sought to reform the environment within which sponsors and ambushers operate, and establish improved rights protection through bespoke ambush marketing legislation. In so doing, events have attempted to gain firmer control over what constitutes rights infringement, and what marketing activities around major events are allowable.

Following the proliferation of ambush marketing activities surrounding the 1996 Atlanta Olympics, the IOC and its event hosts have secured legislative protection against ambush marketing and trademark infringement for every Games hosted since the 2000 Sydney Summer Olympics (Vassallo et al., 2005; Grady et al., 2010). Such legislation is, in effect, enhanced intellectual property rights protection for commercial rights owners, providing additional protection over the unauthorized use of protected marks, images, words, phrases, numbers, and links. In certain jurisdictions, such as the United Kingdom and South Africa, anti-ambush legislation extends as far as suggestive or associative imagery, preventing ambush marketers from using certain imagery as a means of implying an association with a property in an attempt to limit the opportunity for more overt associative ambush attempts.

Despite the inherent advantages such protection affords official sponsors, the enactment and enforcement of ambush legislation represents a particularly complicated and controversial means of protecting against ambush marketers. There exists a significant difference in the approaches taken by rights holders often dictated by the size and stature of properties, and the nature and objectives of the ambush marketing with which they are faced:

Certain rights holders have the ‘power’ to assert themselves, and the wherewithal to take redress in the court systems against other brands who impose upon their area of influence. Other rights holders don’t have that power and wherewithal to do it. (R7)

Unfortunately, pursuing legal action or invoking the protection of local or national jurisdictions can prove both expensive and time consuming, a cost many smaller properties are unable to pay. For those organizations and event hosts whose legal activities are more limited, little protection exists. Moreover, given the short-term nature of most sporting events at which ambush marketing occurs, such legislation may not be as effective as hoped: even for the most powerful federations (e.g., the IOC, FIFA) the enforcement of legislative protection remains a predominantly reactionary, responsive measure for rights holders and organizers.

More disconcertingly, ambush marketing legislation complicates the practical understanding of ambushing by broadening the legal construct designed to regulate marketing around events and redefining ambush marketing within specific jurisdictions. Noted Grady et al., (2010):

This type of event-specific legislation, in effect, broadens the concept of ambush marketing because it allows [event] officials and event organizers essentially to redefine what activities will constitute ambush marketing at this particular [events] depending on the language used in the special legislation and related bylaws. (p. 148)

This extension of ambushing’s definition has allowed rights holders greater scope in their rights protection efforts, extending their efforts towards more associative or subversive ambush attempts. According to South Africa’s anti-ambush marketing legislation, the suggestive football imagery used by Kulula around the 2010 FIFA World Cup – which included a player in action, the vuvuzela (a popular horn blown by football fans, synonymous with football fandom in South Africa), and the tagline “Unofficial National Carrier of the ‘You-Know-What’” – was in breach of FIFA’s rights to marketing around the World Cup (*Figure 3.7*).

Fig 3.7 has been removed due to third party copyright. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University

(Image: Kulula Air, 2010)

**Figure 3.7 – 2010 FIFA World Cup, South Africa
Kulula Air Ambush Marketing Campaign**

South African budget airline Kulula Air were ordered to cease a promotion referring to the airline as the “Unofficial National Carrier of the ‘You-Know-What’” due to South Africa’s ambush marketing legislation. Kulula responded by releasing a second ad, explaining the forced removal of the previous ad and citing an event “Not Next Year, Not Last Year, But Somewhere in Between”.

News reports of other companies facing legal action as a result of South Africa's legislation highlight a major debate regarding the nature and effectiveness of such government-based action:

[Enforcing legislation is] very difficult to do without clobbering the wrong people. Obviously the Olympic act in the UK is a classic example: they've tried very hard to protect LOCOG and the Olympic Rings as much as possible and the London sponsors, but in so doing you can't help but catch little people who are just trying to run a business and just making some form of comment even, or association with the Olympics.

I think legislation sometimes is kind of a blunt instrument for ambush marketing... It was very draconian when they brought it in in South Africa for the Cricket World Cup, and I think we'll see over the next few years how the legislation in the UK works in practice. But I think it will probably need to be enforced reasonably gently. (R1)

Concerns over legislation implicating the wrong people – restricting trade for local business, condemning small enterprises as ambush marketers for minor offences, and restricting civil liberties in host countries – have become prevalent in the media surrounding major events following Bavaria's ambush of the 2006 World Cup (Stephens, 2005; Harding & Culf, 2006; Smith-Spark, 2006; Burton & Chadwick, 2009). As ambush marketers have increasingly engaged fans and spectators in creating interactive and more involved campaigns, the counter-ambush measures employed by rights holders and events have further restricted and infringed upon the rights individual consumers. These issues highlight the importance for sponsors and rights holders to effectively and strategically manage their counter-ambush activities, as well as the growing awareness of fans and consumers of ambush marketing.

The Employment of Specialist Staff

Finally, the legal and legislative environment surrounding sponsorship – and the challenges facing sponsors in appropriately managing the counter-ambush measures at their disposal – have forced both sponsors and commercial rights holders to increasingly employ and engage with specialist personnel who are fluent in the legality of ambush marketing and the specific protection, regulations, and marketing restrictions in relevant jurisdictions. Practitioners consistently recalled the importance of appropriate staffing for rights holders, particularly in describing the legal procedures taken by major events to prevent ambush marketing. The need for specialist staff for sponsoring brands

appears to be of equal importance to the effective activation of a sponsorship and the blocking out of would-be ambushers:

I suppose a good example over here in the United Kingdom is 2012 around LOCOG (London Olympic Games Organizing Committee) – they will impose an incredibly rough, robust legal framework supported by a team – *an army* – of lawyers to protect the interests of their sponsors because of the scale and scope of their operations. (R7)

Rights protection activities require significant time, coordination, and expertise on the part of rights holders, implicating a number of internal units or stakeholders within the event:

From the rights holder's perspective, ambush marketing can be a fairly intensive process. First, the incident is reported by the licensee, the sponsor, our own lawyers, our marketing team, etc. Each case is looked at individually, and reviewed in order to determine the appropriate course of action.

The case is then sent through the rights protection programme division to form opinion: is it a problem? Is it an issue worthy of further action? If so, how do we deal with it? And within this discussion, we have to be aware of the costs. (R3)

Within this process, the practices of rights holders with regard to sponsorship protection can be broadly categorized into two major areas: the on-site policing of events, such as the deployment of 'ambush police', on-site lawyers or rights protection specialists, or 'anti-ambush teams' to monitor ambush marketing within restricted event areas and to prohibit on-site ambush campaigns (such as the Bavaria attempts in 2006 and 2010); and the employment of legal counsel throughout the course of the sponsorship programme to advise on sponsorship negotiations and contracts, and control the event's legal activities with regards to rights infringements, marketing regulations, and sponsorship relations. As one interviewee described:

If it's decided that it (an ambush) is worth pursuing, a letter is then sent from the [rights holder] – half legal, half marketing – these are not always 'cease and desist' letters. Effectively, it's an appeal for fairness. We first assume that the offender or ambusher has made a mistake, and politely request they make the appropriate changes.

If the ambusher does not cooperate, most often [the rights holder] passes on the case to a local lawyer they've employed for the event and ask them – what's the best route of action? The lawyer will then send a formal 'cease and desist' letter. If there's still no cooperation on the part of the ambusher, the [rights holder] files legal action, which incurs significant costs. (R3)

This process, in addition to offering retroactive protection for sponsors and redress for the flagrant use of protected marks or materials by non-sponsors, requires significant management and long-term planning, which may not always be available to rights holders due to size of an event, the development of new media or avenues for ambush marketing, or the significant time constraints in which major events are run. Court cases regarding ambush marketing can take years to conclude, during which time offending brands continue to receive media attention and awareness benefits from their ambush. As such, major international rights holders (e.g., IOC, FIFA, UEFA) have increasingly engaged local legal counsel at events to execute those activities requiring a more intricate knowledge of host country's laws or legislation, thereby facilitating a more effective and bespoke approach to rights protection at specific events. Managing sponsorship agreements and combating ambush marketers legally requires considerable expertise and resources, and a fine balance between diplomacy and severity. As one participant described:

We have a lawyer who works on the property and we work on both the acquisition of rights in connection with the negotiation of the sponsorship, and also the implementation of the sponsorship.

For large properties, such as the Olympics or the World Cup, where the event is held at certain intervals and moves through different parts of the world, we will have a local team that works on implementing the sponsorship, and they will have primary responsibility for dealing with ambush at the local level – in part because you have to move quickly, you have to know the local laws, you have to be on the ground to deal with that.

The lawyer that works on acquiring the sponsorship rights generally deals with ambush occurring outside the host country. (R6)

Ultimately, the legal protection of sponsorship programmes requires an extensive and strategic approach on the part of rights holders, wary of the possibility of becoming overly draconian in their actions and alienating local business, consumers, and the media. As the relationship between a property and a sponsor grows, both over time and in financial value, the importance of collaboration between parties, cooperation, and strategic management, is magnified. The assistance of localized legal experts in drafting together ambush legislation together with host governments, and executing the rights holder's contractual responsibilities with sponsors (such as ensuring clean venues, securing and policing marketing restricted zones, and detailing broadcast contracts and

sponsorship inclusions), affords rights holders a better understanding of the local market, as well as additional protection on-site during the event.

3.3.3 – Summary of Preliminary Findings

The preliminary data collection and analysis conducted in Phases I and II provide important insight into the evolution of sponsorship and ambush marketing over the past thirty years. As well as contextualizing the sponsorship market and better defining ambush marketing both practically and academically, the study's preliminary findings illustrate a number of key areas of concern for sponsors and rights holders in constructing a conceptualized understanding of ambush marketing.

Above all, the variety of opportunities, media, and strategies employed by ambush marketers, and the discord among practitioners and academics with regard to ambushing's true nature or definition, highlight the overwhelming confusion surrounding ambush marketing. Contemporary ambushing represents an increasingly complex, evolved, and dynamic form of marketing, going above and beyond the existing definitions and understandings proposed in the extant literature. The disparity in opinion between executives – particularly between ambushing as a strictly legal consideration, and ambush as a wholly legitimate and marketing-based form of communication – has defined and restricted the actions of official stakeholders in protecting sponsors. The reliance of major events and sports properties on intellectual property rights legislation, legal action, and contractual protection, suggests an over-emphasis on the legality of ambushing, and a lack of awareness or concern for the myriad examples and opportunities which fall outside the parameters of the law, employing a more indirect, creative approach to associating with sporting events.

These challenges emphasize a key aim and central concern of this study: the importance of strategic and purposeful management by both sponsors and sponsees in the face of ambush marketing. From the perspective of both rights holders and sponsors, the appropriate management of sponsorship provides evidence of both the measures taken to protect against ambushing, and the manner in which sponsorship management has evolved following ambushing's emergence. In successfully managing sponsorship and

protecting against ambush marketing, the development of meaningful, directed relations between sponsor and sponsee is a fundamental concern. The potential presence of ambush marketing has encouraged commercial rights holders and event organizers to increase their own involvement in sponsorship, both in facilitating sponsorship-linked marketing and in protecting sponsors from offending campaigns. Like the additional legal and legislative concerns in need of management, this increased involvement has led to additional employment and staffing considerations, greater planning and organization of marketing and public relations, and added awareness of the marketing environment surrounding events. Underlying each of the observed challenges for both sponsors and rights holders are management implications that now define and dictate sponsorship relations at the highest levels.

Unfortunately, the threat posed by ambush marketing merely exemplifies the need for continued development in sponsorship practices:

Sponsorship is not being used in a contemporary, relevant way to consumers. Sponsorship works well to create the commercial entity of sport, but that's not its role in theory.

The culture as an industry is sales led – but sponsorship should be about the relationships brands create with consumers through events or sport, understanding consumers and linking contemporary issues. (R8)

Sponsors must embrace a more strategic, relational approach to sponsorship agreements, and manage their partnerships – and sponsorship activities – in a more prepared, planned, and meaningful way (Cousens, Babiak & Slack, 2001; Chadwick & Thwaites, 2005, 2006; Yang et al., 2008). Said one interview participant: *“One of the major challenges or issues facing sponsors is choosing the right event or opportunity, and coming up with ideas for activating that sponsorship reflective of the brand – sponsorships must make sense”* (R2). Respondents stressed the importance of linking marketing with sponsorship, and exploiting the opportunities available both in leveraging their association and capitalizing on the exclusivity of their partnership. While contractual barriers and legislative protection exist to prevent ambush marketers from entering official venues and onto host sites, more creative, innovative brands have previously succeeded in profiting from the attention surrounding sporting events both

inside and outside stadia, and in activating fan support as part of the ambush campaign (Papadimitriou, Apostolopoulou & Dounis, 2008).

The importance for sponsors and rights holders to effectively and strategically manage their counter-ambush activities, as well as the growing awareness of public perception and image with regards to ambush marketing should not be understated. With sponsorship's perceived advantage over advertising in connecting and relating to consumers (Meenaghan, 2001a; Smolianov & Shilbury, 2005), the creation of an unmistakable association between sponsor and sponsee both externally, through mass communications, and internally, through on-site brand activation, is integral to the future success of sponsorship. Sponsors and rights holders must increasingly identify appropriate partnerships which fit the brand identities of both sponsor and rights holder, in order to successfully establish a relationship and communicate effectively with consumers:

The interests of the rights holders and sponsors [should be] very closely aligned. They both [must want to maintain and enhance the value of an event. The sponsor obviously wants to get as much promotion for their brand as possible, whereas the rights holder wants to drive the value of their sponsorship revenues, without having it overly commercialized. (R1)

It is therefore imperative that both parties work together in building better sponsorships, and to more strategically manage their relationship. Participants repeatedly noted the role played by 'cooperation', 'collaboration', 'partnership', 'planning' and 'strategy' in defending against ambushers, speaking to both the importance of the relationship between sponsor and sponsee in successfully combating ambushing, and the need for suitable management and organization by both parties. While protection against ambush marketing was unanimously cited as the responsibility of the rights holder, the rights protection activities identified suggest an increased role for sponsors in better protecting their own investments. Official event partners must take greater responsibility for the identification of potential ambushers, and collaborate further with rights holders on the expectations and obligations of both parties in activating and protecting the sponsorship. This partnership is fundamental to the prevention of ambush marketing and evidence of the significance with which sponsorship relations are viewed (Farrelly, 2010). A better understanding of the ways in which ambush marketing has influenced sponsorship

management, and the evolution of sponsorship relations and practices over the course of the past three decades, represents an important area of consideration that merits further research.

3.4 – Phase III: In-Depth Expert Interviews

The findings of Phases I and II revealed considerable disparity in opinion and perception among practitioners as to the nature and definition of ambush marketing, and indicated an increasingly diverse and dynamic paradigm emergent within ambush marketing practices. The implications on sponsorship noted by respondents highlighted a lack of clarity among practitioners regarding ambush marketing's true nature, and how best to address the challenges presented for rights holders, event organizers, and official sponsors, suggesting an over-emphasis on reactionary measures on the part of commercial rights holders. While these findings represent an important step towards understanding ambush marketing's role in contemporary sports marketing, a continued investigation into ambushing's role in sports marketing and impact on sponsors' own actions and activities was decided, in order to theoretically conceptualize ambushing, and to better explore the implications of ambush marketing on sport sponsorship management.

As such, a third data collection stage consisting of in-depth, expert interviews with sponsorship executives was undertaken, in the aim of better understanding the implications of ambush marketing on sponsors' own activities and management, and further conceptualizing the nature and role of ambush communications. Given the nature of the study, and the need within sport sponsorship research to more deeply examine ambush marketing and sponsorship management, interviews were selected in order to best develop the survey's findings and explore their meaning. The interviews conducted afforded the research an expanded, more thorough view of the concepts identified in the study's preliminary stages, and operationalized in Phase III.

In constructing the third phase of data collection, a quantitative survey instrument was considered in order to canvas the sponsorship industry and model the management implications of ambush marketing on sponsorship. The addition of a quantitative survey

would have provided the study an opportunity to triangulate findings through a mixed methods approach, and offered an improved validity and reliability to the study's findings. (Yin, 2003; Bryman, 2008). The use of qualitative methods has been criticized by some scholars, due to the perceived unreliability of findings and the lack of standardization and replication afforded (Robson, 2002; Neuman, 2000; Saunders et al., 2000). However, unlike quantitative, positivist methods, wherein reliability and replication are sought as benchmarks of good research, and empiricism of findings is requisite, qualitative research endeavors to explain and understand findings, rather than reproduce them. Indeed, it can be argued that findings from in-depth interviews and non-standardized methods such as those employed here are not intended to be replicable, but rather aim to explore and explain the reality of the situation at the time of collection (Marshall & Rossman, 1999; Saunders et al., 2000). In-depth interviews have been found to benefit the validity and reliability of qualitative research (Sturges & Hanrahan, 2004), allowing for a more exhaustive investigation and thorough review of the constructs explored:

The main reason for the potential superiority of qualitative approaches for obtaining information is that the flexible and responsive interaction which is possible between interviewer and respondent(s) allows meanings to be probed, topics to be covered from a variety of angles and questions made clear to respondents. (Sykes, 1991, p. 8)

This is particularly valuable in studies concerning research phenomena previously unexplored theoretically or lacking in academic rigor – such as ambush marketing – because they provide the researcher the opportunity to explore and explain findings more openly and thoroughly (Ronan & Latham, 1974; Bryman & Bell, 2003; Bryman, 2008). The use of open-ended, exploratory questions aid in avoiding bias and facilitate data collection in interview methods, encouraging respondents to expand upon the subject and to go into greater detail about their own perspectives, understandings, and experiences, subsequently allowing a narrative upon which to base findings to develop (Saunders et al., 2000; Wengraf, 2001; Easterby-Smith, Thorpe & Lowe, 2002).

Furthermore, the decision to employ a strictly qualitative methodology was made based on a number of key logistical considerations. In order to secure a statistically significant sample, and to guarantee representation of the sponsorship industry as impacted by

ambush marketing, a multi-national questionnaire would have been required, incurring significant financial and material costs. The practitioner population within sport sponsorship, and specifically within ambush marketing, is small. Ambush marketing is most prevalent at the highest levels of sport sponsorship; surveying only those sponsoring brands in the United Kingdom, for example, or even throughout Europe, would not guarantee an adequate or representative sample, nor would it accurately reflect the industrial reality of sport sponsorship. Moreover, the dissemination of an international survey aimed at overcoming potential sampling concerns presents the potential for language problems, or miscomprehension on the part of respondents to a unilingual questionnaire.

As such, the adopted methodology represented the most efficient and effective means of realizing the study's aims and objectives, to conceptualize ambush marketing as a theoretical construct. The interviews conducted aimed to explore and expand upon the constructs previously identified, and to better understand the management of sponsorship, rather than prescribing a universal model of ambush marketing management. While ambush marketing remains a largely contentious phenomenon within the sport sponsorship industry, the methodology employed afforded the study a depth, breadth, and balance necessary in exploring the nature of ambush communications. The study's final results offer an extensive and detailed perspective of the practical and professional reality of ambush marketing, and the managerial implications of ambush marketing on sponsorship that is grounded in the experiences, perspectives, and opinions of sponsors.

3.4.1 – Sampling Considerations

Given the scale of sponsorship investment in sport and the growing international presence of sponsors and ambushers at sporting events, selecting an appropriate sample was of the utmost importance. As a result of the often contentious and controversial view of ambush marketing taken within the sponsorship industry, it was acknowledged that access to willing and informed participants may prove difficult. Companies are typically reluctant to participate in sponsorship research, due to the contractual guidelines governing their activities, as well as time constraints and a reluctance to

reveal competitive practices (Chadwick, 2004). Nevertheless, following on the studies conducted by Séguin & O'Reilly (2008) and Farrelly et al. (2005), this study identified sponsorship directors, marketing managers, and brand representatives as ideal respondents, affording the research an applied and detailed perspective of the view and understanding of ambushing within sponsorship, and further complementing the practitioners interviewed in Phase II.

Owing to the global nature of ambush marketing and the prominence of ambushing around major international events, an international sample was sought in order to best represent the sport sponsorship population. While a number of logistical concerns arose in attempting an internationally-representative sample – such as potential language barriers, limited access to key informants in certain geographic markets, and the potential costs incurred – it was important to reach a sample that was as broad and diverse as possible in order to best reflect the perceptions and practices of the elite event sponsorship industry. As such, measures were taken within the sampling process to mitigate the affect of any potential challenges posed, and secure an adequate cross-section of the event sponsorship industry.

First, convenience sampling was employed, providing access to key informants and targeting members of the sponsorship industry with known experiences in both sponsorship and ambush marketing, and with a history of sport event sponsorship. Within grounded theory research, such an approach to sampling is encouraged in collecting all relevant and important information and achieving theoretical saturation (Strauss & Corbin, 1998; Neuman, 2000; Goulding, 2000, 2001). Although a random sample of sponsorship executives may have proven more representative of the broader sponsorship industry (as evidenced within the ambush case database), ambush marketing most predominantly appears around major international sporting events and impacts most tangibly on the efforts of major event sponsors. Taking a theoretical sampling approach therefore permitted the study to identify and solicit specific executives or brands with the relevant experience, knowledge, and perspective to further build the study, taking an international, cross-sectional view of major event sponsorship.

Interview candidates were selected based on a number of criteria and areas of interest, and ultimately provided a cross-sectional examination of the sponsorship industry. Participants experienced both in defending against ambush marketing and employing ambush tactics were targeted, which afforded a rounded perspective of the overall sponsorship landscape. Brands across multiple product categories were preferred, in order to provide industry representation among the most prominent sponsorship classes (e.g., credit cards and banking, sporting goods and retailers, consumer goods and services, beer and drinks manufacturers, etc). Likewise, respondents were selected based on the various tiers and levels of sponsorship available to companies, reflecting the perspectives of sponsors at different levels of sponsorship investment and integration. International partners of major events and federations were sought, as well as national-level partners, team sponsors, and athlete endorsees, in an effort to include executives across the multitude of platforms and tactics available to sponsors and ambushers.

Furthermore, an endorsement from the European Sponsorship Association (ESA) was secured, which provided access to the Association's membership and added industry relevance to the study. While endorsements in academic research have yet to gain widespread recognition in the research methods literature (Rochford & Venable, 1995), they are nevertheless considered to have a positive impact on both the quality and the quantity of survey responses (Armenakis & Lett, 1982; Faria & Dickenson, 1992, 1996). Finally, given that the predominant language used in international sport sponsorship is English, all dealings with potential respondents were conducted in that language. While this potentially limited the ability or willingness of respondents to participate in the study, such an approach was necessary in order to ensure the validity and reliability of findings, and to ease any logistical concerns in transcribing and analyzing the data collected.

Table 3.4 – Expert Interview Participants

<i>Interviewee</i>	<i>Role in sponsorship industry</i>	<i>Nationality</i>
<i>S1</i>	Director of Football, Sportswear and Footwear Industry	United Kingdom
<i>S2</i>	Sponsorship Marketing Manager, Alcohol, Food and Beverages Industry	Ireland
<i>S3</i>	Sponsorship Manager, Major Event	Switzerland
<i>S4</i>	Senior Sponsorship Manager, Banking and Insurance Industry	United Kingdom
<i>S5</i>	Director of Licensing, Sportswear and Footwear Industry	United States of America
<i>S6</i>	Senior Director, Marketing, Consumer Packaged Goods Industry	United States of America
<i>S7</i>	Sports Executive, CEO, Major Event	United States of America
<i>S8</i>	Brand Marketing Manager, Sportswear and Footwear Industry	Germany/Canada
<i>S9</i>	Head of Sponsorship, Banking and Insurance Industry	Singapore/United Kingdom
<i>S10</i>	Head of Sponsorship, Food and Beverage Industry	United Kingdom/Canada
<i>S11</i>	Sponsorship Controller, Banking and Insurance Industry	United Kingdom

The final sample (*Table 3.4*) represents a cross-section of the international sports sponsorship industry, accounting for the diverse and international nature of sport event sponsorship, and providing extensive access to key informants and data. Sponsorship executives from the United Kingdom, Ireland, Continental Europe, and North America were identified in order to reflect the global implications of ambushing, while taking into consideration the logistical concerns inherent in conducting international interviews. International contacts held by members of the research and supervisory team were therefore solicited as both participants and as members of a potential extended network within the industry that provided access to key informants on a broadened, global scale.

3.4.2 – Data Collection and Analysis

In constructing the interviews, a series of focused questions were devised based on the key areas of interest identified in the analyses conducted in Phases I and II. Preliminary interview schedules ranged between 10 and 13 questions per participant, each designed to both explore their specific knowledge and understanding of ambush marketing within their role in sponsorship, and to elaborate on their own management practices and the

impact of ambush marketing on their sponsorship activities and relations. Additional prompts, follow-up areas of discussion, and respondent-specific notes were included in order to facilitate data collection and guide the interviews (*See Appendix B for a sample interview schedule, including prompts and follow-up questions*).

Interviews were undertaken over a five-month span, between July and November 2010. Following an extensive analytical period that explored and expanded upon the findings of Phases I and II, preparations for the interviews began in March 2010, prior to the staging of the 2010 FIFA World Cup. While contact was made with a number of potential respondents prior to the June 2010 tournament, practitioners indicated a reluctance to participate during the Finals, due to scheduling conflicts and other responsibilities surrounding the event. As such, data collection was delayed until following the World Cup in order to accommodate respondents' individual schedules and to ensure the inclusion of key informants. Assurances of confidentiality and anonymity were made to all participants when arranging the interviews and again prior to each discussion, serving to improve perceived interviewer trustworthiness, and to facilitate more open, honest answers (Healey & Rawlinson, 1994). In total, eleven interviews were conducted, upon which time it was deemed that the theoretical contribution of further discussions would be marginal.

The interviews lasted between 55 and 115 minutes, based upon the participant's availability and the relevance of data being collected (Glaser & Strauss, 1967; Strauss & Corbin, 1998). While face-to-face interviews were considered, such an approach was deemed unrealistic and unfeasible due to the international sample of respondents sought. Instead, telephone interviews were employed as in Phase II, in addition to written correspondence both prior to and following each interview, which informed the discussion and added further context to the data collected (Neuman, 2000; Sturges & Hanrahan, 2004). With the respondents' permission, nine of the eleven interviews were recorded in order to facilitate transcription and analysis. Throughout each conversation, detailed research notes were taken, in order to identify key points made by participants, as well as their inflection, emphasis, interest, and mood, which informed the ensuing interview analyses (Miles & Huberman, 1994; Ghauri & Gronhaug, 2002). After each

interview, a brief summarized report of the discussion was drafted which highlighted the key ideas and experiences related, thereby forming an initial narrative of the views and perceptions recorded.

A grounded analytical approach was employed to analyze the collected interview data. This comprised four stages of analysis: (i) the identification of free codes within the data, constructs and areas of interest upon which further investigation would be based; (ii) the development of a conceptual framework that grouped similar or relatable codes or constructs into broader concepts; (iii) the classification of data and concepts into specific data categories, contributing an emergent view of ambush marketing strategy and a series of discrete management implications that formed the foundation for theory generation; and (iv) the generation and refinement of these categories, which collated the aforementioned constructs and categories into defined, observable theory. Given the study's aims – namely to explore the nature and evolution of ambush marketing, and to examine the managerial implications of ambush marketing for sport sponsors – these four phases of analysis diverged into two distinct paths, which allowed for both an extensive look into the nature of ambush marketing and its impact on sponsorship management based on the experiences, observations, and perspectives of sponsorship practitioners. As a result of this divergence of findings, the data analysis undertaken and proposed theory presented here is divided, allowing for the analysis and resultant findings to be further deconstructed with particular emphasis on each area of investigation.

The interview data collected and interview notes recorded during each discussion were transcribed and entered into NVivo 8, a qualitative data analysis software package, which allowed for a more thorough and extensive coding and analysis of the data. Given the timeframe during which the interviews were conducted, and the emphasis placed on theory development within the final analysis, the use of NVivo afforded a valuable means of analyzing the interview data collected, and better exploring the themes, constructs, and concepts emergent within (Lonkila, 1995; Bringer, Johnston & Brackenridge, 2004; Bringer, Johnston & Brackenridge, 2006; Hutchinson, Johnston & Breckon, 2010). As noted by Bazely (2007), NVivo facilitates the analysis of qualitative

data in five fundamental ways: the management and organization of data; the management of ideas or initial findings; the querying of data; the graphic modeling of ideas and concepts emergent within the data; and the reporting of data. In this context, the programme offers a centralized and inclusive means of conducting a deep and rigorous analysis of the data, while also connecting and drawing links between findings, and allowing the key concepts and principle findings to emerge.

The recorded interviews were transcribed manually and inputted into NVivo as standard Microsoft Word documents. The notes and research memos logged during those interviews not recorded were similarly transcribed and imported into the analysis. In order to ensure the confidentiality and anonymity of responses, all interviewee names and organizations referred to were changed during the transcription process, with a record kept of the aliases given and true identities (for the purposes of reporting, respondents were assigned alphanumeric codes as in Phase II, following the sequence S1, S2, S3...). In coding the interview responses, a three-tiered coding methodology consistent with the principles of grounded theory was employed, allowing for the simultaneous collection and analysis of data, the pursuit of new and relevant information within the context of the study, and enabling core constructs and new theory to emerge from the data (Strauss, 1987).

The selected coding procedure was undertaken in order to identify and explore key areas of interest and expand upon core concepts within the study, rather than to quantify those codes observed. Given the exploratory nature of the study, and dearth of research into ambush marketing as marketing theory, this approach allowed for greater investigation into ambushing and added contextual relevance to the study's findings. The use of NVivo in conducting the coding analysis allowed for an exhaustive examination of the data, thus building a series of free nodes and tree nodes upon which to build the emergent constructs. Within NVivo, the researcher is able to code words, phrases, or entire sections of data independent of other findings (free), or as a subset or branch of other concepts (tree). This allowed for the relationships between different themes and constructs to be better defined and explored, and allowed for the

development and refinement of specific and detailed categories throughout the coding process.

Preliminary coding consisted of an extensive in-depth open coding of each interview throughout the data collection stage, based on the themes and constructs observed within the database and preliminary interview analyses, and the codes identified within the interviews. Findings from Phases I and II informed an initial set of codes that were used in the analysis of each interview to provide an initial template of analysis for the discussions. Components and key indicators of ambush marketing as described by respondents within the preliminary interviews and identified within the database analysis informed the coding of the interview data. Likewise, key findings from the study's preliminary stages relating to the environmental changes experienced by sponsorship and the management challenges inherent to the presence of – and threat posed by – ambush marketing, provided a theoretical basis upon which to code the collected data. Additional free nodes, which described specific phenomena or key considerations not previously noted in the study's preliminary findings, were also identified throughout each interview. This process afforded the opportunity for a fundamental examination of the data collected, isolating the important variables and emergent constructs, and providing a theoretical basis upon which to base subsequent analysis.

Following this exploratory coding of the data, a second, extensive analysis of the interview data was undertaken which expanded and refined the constructs identified, and informed the development of key concepts. Within grounded theory research, “Concepts are a progression from merely describing what is happening in the data, to explaining the relationship between and across incidents” (Goulding, 2001, p. 26). This structured, axial coding process provided additional theoretical examination and context to the emergent constructs, and a basis for a preliminary conceptualization of ambush marketing. The interviews were re-coded in an effort to refine and develop the open nodes identified throughout the initial coding procedure, thereby unifying common constructs and themes, and elaborating on core findings and areas of interest. The relationships between constructs (such as the creativity and innovation of ambush

marketers, or the role of legal protection and ambush marketing legislation) was investigated throughout each discussion, in an effort to identify core concepts relating to the study's key aims, and to further examine the content and context of respondents' answers. This analysis guided the construction of a series of tree nodes describing relationships between observed constructs and developing key concepts (*See Appendix C for the complete exported NVivo coding table, describing each of the identified tree nodes and the individual codes explored*).

**Figure 3.8 – NVivo Coding Table Excerpt:
'Ambush Marketing'**

Type	Name	Memo Link	Sources	References	Created On	Created By	Modified On	Modified By
Tree Node	Ambush Marketing		11	303	10/19/10 10:56	NB	12/8/10 12:07	NB
	Tree Node	Ambush Impact		10	84	12/8/10 15:14	NB	12/8/10 15:14
	Tree Node	Association		10	58	10/19/10 11:12	NB	11/27/10 16:57
	Tree Node	Clutter		5	16	10/19/10 11:26	NB	11/27/10 15:54
	Tree Node	Competition		8	62	11/2/10 12:52	NB	12/7/10 16:30
	Tree Node	Confusion		7	19	10/19/10 11:26	NB	11/27/10 16:24
	Tree Node	Creativity		9	21	10/19/10 11:13	NB	12/7/10 17:05
	Tree Node	Direct v Indirect		5	15	12/8/10 15:15	NB	12/8/10 15:15
	Tree Node	Illegitimacy		9	60	10/19/10 11:14	NB	11/22/10 11:47
	Tree Node	Intelligence		7	15	10/19/10 11:14	NB	12/7/10 17:05
	Tree Node	IP Rights		9	36	10/19/10 11:28	NB	11/22/10 15:57
	Tree Node	Opportunism		11	56	10/19/10 11:25	NB	12/8/10 12:07
	Tree Node	Public Relations		9	33	11/11/10 12:54	NB	12/7/10 17:08
	Tree Node	Negative Connotation		7	46	11/11/10 12:52	NB	11/22/10 15:53
	Tree Node	Uncertainty		7	30	11/2/10 12:53	NB	11/27/10 16:23

Finally, following this axial coding process a theoretical coding analysis was undertaken, in order to further evaluate and refine the concepts developed. Noted Goulding (2001), "The final stage in the process of theory development is the construction of a core category [or categories]" (p. 27). The theoretical coding process therefore endeavours to unify and refine the concepts identified within the data, in order to expand upon and explore the inter-relationship between concepts and formulate an emergent theory. The interview data was therefore re-analyzed within the context of the

concepts observed within the open and axial coding procedures, which provided a more thorough perspective of the nature and composition of ambush marketing and the managerial implications for sport sponsors (Hernandez, 2009). The exploration of these concepts revealed a unique perspective into the nature of ambush marketing, suggesting a previously unexplored diversity and strategy to ambush marketing campaigns as a form of marketing communications, and emphasized the increasingly difficult task faced by sponsors and commercial rights holders in preparing for and managing against ambush marketing.

This analysis revealed three core concepts relating to the nature of ambush marketing, that informed the resultant conceptual categories: the apparent or stated intent of the ambush marketer to target a specific sponsor or property, or create a surreptitious or indirect association with an event; the explicitness of reference or association created within the brand's marketing; and the size and scope of the ambush marketing campaign, including the media used by the ambusher and the location or geography of the ambush strategy employed. Likewise, the managerial concepts and implications observed were refined and collated based upon the interrelation of variables and the common traits identified. Five categories were developed, upon which a model of management implications was designed, and an examination of the managerial implications of ambush marketing was based. Ultimately, three broad categories of ambush marketing strategy emerged: direct, indirect, and incidental ambush activities. These reflect the experiences and observations of practitioners, and inform a broadened view of the strategies and opportunities employed by ambush marketers.

3.4.3 – The Development of a Typology of Ambush Marketing Strategy

Finally, based on the observed ambush marketing characteristics and traits, and the distinct categories of ambush marketing strategy that were created throughout the interview analyses, a fourth analytical stage was undertaken, designed to more fully explore the nature and strategy of ambush marketing. The concepts identified in the interview data – combined with the definitions and examples of ambush marketing described and detailed by respondents – informed an expanded analysis of the ambush case database. The ambush cases collected were examined for evidence of the strategies

and media employed by ambush marketers, ultimately providing the framework for a typology of ambush marketing strategy.

Historically, typologies have proven somewhat contentious within academic research, as a result of a perceived lack of theoretical or scientific basis (Blalock, 1969; Scott, 1981; Bacharach, 1989). As Doty & Glick (1994) noted:

The most severe criticism is that typologies traditionally have been viewed as classification systems rather than as theories... atheoretical devices that are mainly useful for categorization [undermined by an] overemphasis on describing the typology and under-emphasis on developing the underlying theory have opened the typological literature to criticism. (p. 231)

Opponents argue that typologies amount to little more than a re-grouping of data, with little defined criteria or theory differentiating typologies from other classification tools (Bacharach, 1989; Scott, 1981). However, despite these criticisms, typologies represent a unique opportunity in theory building, providing “a rich and differentiated depiction of a phenomenon” (George & Bennett, 2005, p. 235), and afford the researcher a means of exploring more thoroughly the nature, complexity, and interrelation between variables of a subject. Based upon the database analysis conducted and the interview data collected, the development of a typology of ambush strategies represented a unique and innovative approach to the study of ambush marketing, contemporizing past ambush marketing categorizations (Meenaghan, 1994, 1996; Crompton, 2004b) and grounding the study’s conceptual findings in the practical reality of sponsorship and ambush marketing.

The examples contained within the database were coded and re-organized based on the indicators observed and the categories developed within the interview analysis, differentiating campaigns and ambush efforts based on their discrete characteristics, traits, methods, and objectives. Unique combinations of the concepts identified within the interview data yielded specific, replicable, and distinct ambush types, which served to differentiate between emergent strategies and provided a practical perspective of the diversity of ambush marketing. Factors such as the apparent intent or motivation of the ambusher, the relationship between ambusher and sponsor, the size or scale of the brand’s communications, the explicitness of the reference created between brand and

event, and the creativity or innovation of the ambushing brand, provided the basis of distinction between types, and a means through which to explore the various strategies and opportunities which define contemporary ambush marketing. This investigation afforded the development of a unique perspective into the diversity and complexity ambush marketing, and provided an exploratory look into the strategy, creativity, and nature of ambush marketing.

3.5 – Methodological Conclusions

The primary aim of this chapter has been to provide a detailed statement of the methodological approach employed in this research and the underlying philosophical and procedural considerations taken in designing and undertaking the study. In seeking to construct and refine a conceptually grounded theory of ambush marketing, this study represents the first step towards better understanding the nature, role, and strategy of ambush marketing, and the ensuing implications of ambushing for sport sponsors. The methodology described represents a multi-stage, grounded approach to the study of ambush marketing and sponsorship management targeted at addressing the central research question: *“What is the nature of ambush marketing, and what effect has it had on the management of sport event sponsorship?”*

The methods employed by this study present a breadth, depth, and richness previously unseen in the extant literature, and link the academic and practical understandings of ambush marketing. As such, this research affords the first true opportunity to define and explore ambush marketing at a theoretical level and to investigate the practical implications for sponsorship management. The initial stage of research – the collection and analysis of secondary data and the creation of a unique database of ambush marketing cases – provided the study an extensive contextual analysis of ambush marketing as an industrial concern. A subsequent series of semi-structured interviews with industry practitioners grounded the study in the professional and industrial reality of sponsorship practice, affording the study’s preliminary phases additional depth, breadth, and relevance. Finally, a series of in-depth, expert interviews were undertaken in order to investigate the practical reality of ambush marketing and sport sponsorship,

and to further explore the nature ambushing and its role as an alternative to official sponsorship.

As evidenced throughout the academic literature and the study's initial stages, there remain significant limitations in our understanding – both theoretical and practical – of the nature, role, and impact of ambush marketing. Whereas the extant sponsorship and ambush marketing literatures have predominantly taken the view of ambushing as an ad hoc, parasitic marketing tactic, the findings examined and analyzed herein indicate a considerably more sophisticated, planned approach on the part of ambushers than previously believed. In casting new light on the strategies and methods employed by ambush marketers around major international sporting events, and the measures employed by commercial rights holders and official sponsors in combating ambush marketers, this study provides an important conceptual and theoretical investigation of ambush marketing's nature and impact in sport marketing. The cases analyzed evidence an increasingly strategic and opportunistic intent underlying ambush marketing, as brands seek to leverage against the latent marketing value of major sport events and capitalize on the fan equity available by associating with an event or property. Within this emergent conceptualization, a grounded, applied theory of ambush marketing as a form of marketing communications and typology of ambush strategy developed – the findings and implications of which are presented in Chapter IV.

Chapter IV: Analysis & Discussion of Results

OVERVIEW:

This chapter provides an analysis and discussion of the study's findings, towards the construction a theoretical conceptualization of ambush marketing as a marketing communications strategy, and the exploration of a typology of ambush marketing. A model of the impact of ambush marketing on sponsorship management is then examined, detailing key considerations in the development and protection of contemporary sponsorship against ambush marketing. The chapter concludes with the identification of a new, more collective approach to sponsorship management and relations which signals a new direction in sport sponsorship programmes.

4.1 – Towards a Theory of Ambush Marketing

Although ambush marketing has existed as a concern within sport event sponsorship since the early 1980s, there remain significant discrepancies between the practical and academic understandings of ambush strategy, and the perceived impact of ambush campaigns on official sponsors. Historically, ambush marketing research has evidenced a largely atheoretical, underdeveloped understanding of ambushing, and taken a limited perspective of the aims, motives, and uses of ambush marketing as a marketing communications tool. The absence of consideration given to ambush marketing's practical definition or application, and the dearth of investigation into the strategic role played by ambushing as a form of marketing communications, has undermined the academic study of ambush marketing and restricted the theoretical contributions of past research: significant shortcomings this research seeks to address. In developing a new conceptualization of ambush marketing, redefining ambushing as an alternative to sport sponsorship and embracing a more refined view of the strategy and complexity of contemporary ambush marketing practices, this study offers new insight into the development and impact of ambush marketing.

The construction of a theoretical conceptualization represents “a process of abstract thinking involving the mental representation of an idea” (MacInnis, 2011, p. 140). Without a clear understanding of the nature and role of ambush marketing, ambush research has traditionally focused on quantifying the potential parasitic impact of on sponsorship return, and the potential counter-ambush measures available to commercial rights holders in protecting against ambush opportunities. By constructing a theory of

ambush marketing strategy – and developed a typology of ambush marketing strategy based on the concepts emergent within the study’s findings – it is possible to extend ambush marketing research and delve deeper into the impact of ambushing on sponsorship management, and therefore better understand the potential strategies available to ambush marketers and the challenges posed to official sponsorship. The construction of a typology therefore represented a unique opportunity and important step in developing a clear and defined theory of ambush marketing, and further exploring the nature and composition of contemporary ambush practices. Given the considerable evolution and growth experienced within the sport sponsorship industry over the course of ambush marketing’s development, the need for greater understanding in the area of ambush marketing and sponsorship management cannot be understated.

4.2 – Developing a Conceptualization and Typology of Ambush Marketing

“There are very often types of ambush marketing that people say – I don’t think they had the right to do that, but boy, that was very creative. I think that is a problem in preventing ambush marketing” (S7).

A number of pertinent comments should be made before introducing the proposed conceptualization of ambush marketing and typology of ambush strategies. First, the proposed conceptualization is founded upon the dynamic and strategic nature of ambushing observed within the study, the variety of ambush strategies and opportunities identified within the ambush marketing case database, and the experiences and perspectives explored in the practitioner interviews conducted. Historically, industry professionals and sponsorship academics have relied upon out-of-date, misleading definitions of ambush marketing as a parasitic attack on official sponsorship (Sandler & Shani, 1989; Payne, 1998; Payne, 2005), which have framed the study of ambush marketing communications, and limited the sponsorship protection measures employed. As evidenced by the cases collected within the database and the practitioner interviews undertaken, however, ambush marketing has undergone a progressive evolution over the past three decades towards a more dynamic and diverse form of marketing communications. By exploring ambushing as a marketing communications alternative, and offering insight into the aims, objectives, methods and strategies of ambush

marketers, the conceptualization developed provides a necessary understanding of the evolution and progression of ambush marketing as a sport marketing strategy.

In this context, the typology created explores ambush marketing from a strategic perspective, contemporizing past ambush marketing research and better assessing the nature and aims of modern ambush campaigns. The difference between past categorization attempts and the typology created is an important one. Typologies represent a “form of theory building in that they are complex theories that describe the causal relationships of contextual, structural, and strategic factors” (Fiss, 2011, p. 393), thereby affording the researcher a means of expressing “the complex interrelation between simple concepts” (Neuman, 2000, p. 44). While the categorizations previously suggested by Meenaghan (1994) and Crompton (2004b) identified a number of relevant and important methods of ambush marketing that remain in employment by contemporary ambushers, these failed to explain the strategic intent behind ambush marketing and to differentiate between the efforts or motivations of brands in ambushing a property.

The existing categorization attempts have, for example, included broadcast sponsorship efforts as a single, all-encompassing form of ambush marketing. By contrast, within the typology proposed here, the distinction is made between the sponsors of a member association or club leveraging their tie to an event, and the efforts of a direct competitor or an official sponsor purposely ambushing their rival in an effort to devalue their sponsorship and mislead consumers. As such, this typology is not a categorization of the marketing communications opportunities available to ambushers (for example, broadcast sponsorship, outdoor advertising media, or promotional giveaways), but is rather a conceptualized perspective into the objectives and implications of ambush marketing. The typology created illustrates the evolved, dynamic nature of ambush marketing, and explores the diverse and adaptive nature of ambush marketing described within the data. As such, it is intended to more accurately reflect the managerial considerations and underlying marketing communications planning activities undertaken by ambush marketers.

Nevertheless, the categorizations created by Meenaghan and Crompton do provide a preliminary framework for the typology constructed here, informing the identification and development of a number of the proposed strategic types, and affording a theoretical basis for the analysis conducted. A number of the types developed extend the categories suggested, in order to further explore the underlying strategy and motivation behind the ambush. As such, the typological approach taken represents a multi-dimensional approach to the study of ambush marketing, based on the dynamic and versatile forms of ambushing uncovered throughout the ambush case database, and the key conceptual indicators identified in the practitioner interviews.

For example, ambush campaigns derived from the leveraging of an existing association with an event stakeholder present significantly different strategic and managerial considerations than event-specific or one-off ambush attempts devised uniquely for the property. Such specificity emphasizes the context in which an ambush is undertaken, and reflects the broader strategic considerations taken by the ambushing brand with respect to the targeted property, the media employed, and the intended association created. The apparent intent of an ambush marketer in engaging in a campaign is therefore an important consideration in assessing an ambush and understanding the strategic considerations taken by the ambusher. Ambushers in direct competition with sponsors (as has often been the case in product categories such as credit card companies, sportswear manufacturers, and breweries) may be more inclined towards targeted, directed ambush efforts, whereas brands without an equivalent sponsorship category typically employ more associative, implicitly aligned campaigns.

Likewise, the size and scale of an ambush differentiates strategies based on the immediate scope and reach of the effort. Major international campaigns, national-level promotions, and on-site, event-specific ambush attempts each present different opportunities to ambush an event, and pose vastly different threats to rights holders and sponsors. An on-site, event-specific ambush aimed at capturing the attention of spectators at an event, for example, represent a considerably different opportunity for non-sponsoring brands as compared to a global multi-media advertising campaign. Large-scale campaigns provide access to global audiences and widespread brand

awareness and attention, while small-scale ambushing offers the ambushing brand an opportunity to communicate directly with spectators and local, event proximate consumers. As such, large- and small-scale ambush campaigns represent diametrically opposed ambush targets and strategies, and signify an important development in ambush marketing.

Moreover, the conceptualization developed here illustrates a distinct change in the opinions and perceptions of sponsors towards ambush marketing, and an acknowledgement of its place in sports marketing – areas previously unexplored in the extant ambush marketing literature. Contemporary ambush marketing communications offer a strategic alternative to sponsorship-linked marketing, affording brands an opportunity to capitalize on the marketing value of events through unofficial or non-traditional means. The preparation and planning required of brands in creating ambush campaigns and circumventing the legal and legislative environment around major contemporary events requires a much more strategic approach than historically described. As one respondent argued:

We're going to look at ways to get our message out there in connection with those global events, in a way that certainly matches or is consistent with the guidelines and the restrictions that are put in place, but that is also consistent with our messaging.

Everybody's going to push the envelope the best they can, but we obviously have to make sure that we're working within the guidelines. We're taking full advantage of the rights that we may have, and also pushing the envelope the best we can within the guidelines to associate our brand with the world events as best we can.

It's a question of adapting... making sure that we're taking full advantage of the opportunities that exist based on the combination of assets that we have, and venues where some of these global events are taking place... and pushing the envelope the best we can within the guidelines to associate our brand with the world events as best we can. (S5)

This awareness, preparation, and planning illustrates a more strategic, sophisticated process on the part of ambush marketers, beyond the tactical, parasitic perspective of ambush marketing prevalent among academics and rights holders. Most broadly, ambush marketing can be described in this context as: *“Brands, organizations – trying to align to a particular property or event that are outside the corporate family of*

sponsors for that particular event or organization” (S1). While this perspective of ambush marketing may prove contentious, the emphasis on creativity, association, legality, and innovation stressed by respondents, and illustrated within the cases analyzed suggests a legitimacy and sophistication to ambush marketing as an alternative to sponsorship. By operating outside the official parameters set by sports properties and events, ambushing affords brands a more diverse, flexible – and potentially more affordable – means of deriving value from a property. Noted one interview respondent:

Ambushing is all about awareness, and gaining attention on the back of a property you don’t have rights to... It’s good, creative marketing, and in many respects it should be. They don’t face the same challenges dealing with the rights holders, they don’t have the same conversations, the same obligations and restrictions, and so they should be more creative. It’s an opportunity for new marketing, for creativity. (S8)

Implicit to this view is the growing opportunism exhibited by ambush marketers, who seek to capitalize on available marketing opportunities around major events, and exploit the ever-increasing value of sport as a marketing vehicle. Whereas the marketing opportunities available to official sponsors are contingent on the regulations and restrictions stipulated within the sponsorship contract (preventing sponsors from utilizing the official marks, insignia, or terminology owned by the rights holder outside the agreed upon media), ambush marketing affords brands an opportunity to extend beyond the controlled media, and leverage against the event through a variety of opportunities, media, and strategies.

I think we began to realize that, at some point, when sponsorship became more valuable, it also became valuable to try to associate a company with an event, even if you weren’t legally or contractually able to do so. (S7)

Inherently, then, this conceptualization represents a new direction in the study of ambush marketing. The perceived marketing value of sport – and the significant investments required of major event sponsors to associate officially with sports properties – have driven brands to identify and exploit alternative means of leveraging their brands against the value of sports properties and the fan equity available. Ambushing has thus evolved into a predominantly opportunistic form of marketing, seeking to leverage against properties and exploit available marketing opportunities around major events unengaged by official partners. While this view of ambushing as a

creative and opportunistic form of marketing contrasts previous parasitic perspectives of ambushing which espoused a more attack-minded intent on the part of ambushers, it does highlight the increasingly opportunistic and capitalistic direction of ambush marketing.

4.3 – A Typology of Ambush Marketing Strategy

It is within this context that this study has constructed a typology of ambush marketing strategies; whereas historically, ambush marketing has been defined by the parasitic, attack-minded activities of non-sponsors in the 1980s and 1990s, the evolution of ambush strategies and media has given rise to a series of distinct and diverse forms of ambushing. The typology developed here reflects a multi-dimensional perspective of ambushing from a strategic understanding of marketing communications, emphasizing the disparity and diversity of ambush campaigns, and illustrating a sophistication and dynamism in ambush marketing previously unexplored. The strategic approach to ambushing revealed by practitioners, and the development of sponsorship protection and counter-ambush measures, has evolved ambush into a uniquely creative and innovative marketing communications medium. This typology therefore represents an important advancement in the study of ambush marketing, contemporizing the categorization attempts previously proposed by Meenaghan (1994, 1996) and Crompton (2004b), and more accurately reflecting the managerial considerations and underlying marketing communications planning activities undertaken by ambush marketers.

This is an important consideration to take in developing a typology of this nature, and in differentiating this study from previous examinations of ambush marketing media. Whereas the existing ambush categories described by Meenaghan and Crompton explored the different marketing media or communications opportunities exploited by ambush marketers previously (such as broadcast sponsorship or sub-category sponsorship agreements), the typology developed here represents a cross-sectional analysis of ambush marketing from a strategic and managerial perspective identifying ten distinct, discrete forms of ambush marketing observed and analyzed throughout the contemporary event marketing landscape. While many ambush campaigns may incorporate a variety of methods, marketing communications media, or promotional

opportunities throughout a brand's marketing activities, the types created are founded upon the underlying strategic objectives of ambushing brands, a necessary progression from previous categorization attempts. As such, this typology is less a categorization of the marketing communications opportunities available to ambushers (for example, broadcast sponsorship; outdoor advertising media; promotional giveaways), and rather presents a multi-dimensional perspective of ambushing objectives and implications, and of the themes and tactics used by ambushers. This differentiation serves to distinguish the types constructed and ensures the exclusivity of those ambush strategies observed.

The typology is first and foremost divided into three categories, based on the core concepts identified in the interview data: direct ambush activities, indirect or associative ambushing, and incidental or un-intentional ambush attempts. These categories highlight the different strategies, motives, and measures used by non-sponsors to develop an attachment to an event and the evolution of ambushing witnessed since Meenaghan's (1994) original categorization and throughout the ambush case database. Whereas early ambush marketing studies viewed all ambush activities as direct competition between firms (as evident in ambush marketing's own nomenclature, which suggests an aggressive, surprise attack by one company on another), the conceptualized perspective of ambush marketing observed here suggests a more complex and strategic marketing communications medium. While ambush strategies will undoubtedly continue to evolve, and new strategies will emerge that necessitate renewed investigations into ambush marketing's nature and revised conceptualizations of ambush strategy, the typology proposed here represents a contemporary view of ambush marketing and a review of ambushing's past three decades of evolution.

Table 4.1 – A Typology of Ambush Marketing

Ambush Strategy		Definition	Example
DIRECT AMBUSH ACTIVITIES	PREDATORY Ambushing	The deliberate ambushing of a market competitor, intentionally and knowingly creating an explicit reference to a property and attacking a rival's official sponsorship, in an effort to gain market share and confuse consumers as to who is the official sponsor.	Heineken, UEFA European Championships, 2008 Heineken, in an effort to ambush Carlsberg's official sponsorship, created marching band-style "Trom-Pets" (drum hats) for Dutch fans on their way to Bern, branded with the Heineken logo and name. The company released advertisements featuring Dutch fans traveling to Switzerland, visiting the official Oranje fans camping complex, and Heineken marketing executives plotting ways to ambush the European Championships.
	COAT-TAIL Ambushing	The explicit attempt by an organization to directly associate with a property by establishing a legitimate link with an event stakeholder or participant, such as the sponsorship of a participating team, athlete, or broadcaster, and the activation of that association in creating a perceived affiliation with the parent property. Not to be confused with the oft-used term 'piggy-backing'; while piggy-backing implies acceptance or complicity, coat-tail ambushing refers to the association of a company to an event for the purpose of associating with the property.	Nike, Beijing Summer Olympics, 2008 Following Liu Xiang's injury in the men's 110m hurdles, Nike released a full-page ad in the major Beijing newspapers featuring an image of the disconsolate Liu, and the tagline: "Love competition. Love risking your pride. Love winning it back. Love giving it everything you've got. Love the glory. Love the pain. Love sport even when it breaks your heart."
	RIGHTS INFRINGEMENT Ambushing	The intentional use of protected intellectual property in a brand's marketing (including trademarked and copyrighted property such as logos, names, words, and symbols), or the willful infringement of an event's rules and regulations, in an effort to capitalize upon the awareness and attention surrounding an event, and align the brand in the eyes of consumers to a particular property or event.	Unibet, UEFA European Championships, 2008 Betting company Unibet released a series of magazine advertisements in Polish magazine Pitkanonza for online betting on the European Championships, explicitly featuring the words "Euro 2008" and football in their advertising.
	RIGHTS EXTENSION Ambushing	The extension of an official sponsor or event partner's marketing communications activities above and beyond what has been agreed in the sponsorship contract, effectively ambushing the parent property and infringing upon the rights of other official sponsors.	Carlsberg, UEFA European Championships, 2008 Official sponsor Carlsberg extended its promotions beyond the scope of their sponsorship rights, effectively ambushing the other sponsors by going beyond their contractual allowances. As well as their allocated in-stadium promotions and signage, Carlsberg gave away headbands to fans during the tourney, sporting fake team-colored hair, and organized unofficial fan parks broadcasting the tournament for fans in outside markets (e.g., Warsaw).

INDIRECT AMBUSH ACTIVITIES	ASSOCIATIVE Ambushing	The use of suggestive or associative imagery or terminology by a brand to create or imply an association with a specific sporting event or property, without making explicit reference or portraying an official association with the property.	Red Rooster, Beijing Summer Olympics, 2008 As part of major Olympics-themed campaign, Australian fast food brand Red Rooster ran an advertisement featuring a 'typical' Australian family eating Red Rooster while watching the television, cheering on Australian athletes in competition. The commercial prominently emphasized the colour red and utilized Chinese imagery, concluding with a view of the Great Wall of China, and the tagline "Notice how well Red goes with China?".
	EXPERIENTIAL Ambushing	The use of surprise, aggressively promoted, street-style promotions or marketing activities at an event, in order to maximize awareness while minimizing investment and distracting attention away from official sponsors and the event itself.	New Balance, Boston Marathon, 2010 Shoe company New Balance ambushed official sponsors Adidas throughout the city of Boston, setting up a massive outdoor promotion including the tagline "Run Faster Boston", as well as on-site giveaways and brand representatives along the marathon course.
	PERIPHERAL Ambushing	The creation of a marketing presence at or around an event, utilizing available marketing media and employing creative promotional opportunities, without specific reference to the event itself, its imagery or themes, in order to intrude upon public consciousness and gain awareness from the event's audience.	Pepsi, Beijing Summer Olympics, 2008 In an effort to capitalize on the Beijing Games, Pepsi purchased extensive signage and outdoor media space throughout China's major cities, circumventing the marketing exclusion zones enacted around official Games sites and heavily promoting their presence in the Chinese market.
	PARALLEL PROPERTY Ambushing	The creation or sponsorship of a rival event or property to be run parallel to the main ambush target, associating the brand with the sport or the industry at the time of the event and capitalizing on the event's goodwill and heightened consumer awareness.	Nike Fan Park, FIFA World Cup, 1998 In an attempt to ambush the adidas-sponsored 1998 World Cup, Nike built a highly branded football village in Paris, named La République Populaire du Football, to promote Nike-sponsored teams and athletes, including the Brazilian team who were presented to fans at the park.
INCIDENTAL AMBUSH ACTIVITIES	DISSASSOCIATIVE Ambushing	The identification of a brand as an official sponsor – based on previous involvement, strategic positioning, or the efforts of a brand to leverage an existing or anticipated connection with an event – resulting in a perceived association between a brand and a property in the eyes of consumers or the media.	Coca-Cola, ICC Cricket World Cup, 2003 Despite having made no effort to ambush official sponsors Pepsi or affiliate with the event in any way, Coca-Cola was seen as a potential threat to Pepsi's sponsorship, leading event officials to initiate aggressive sponsorship protection measures – including searching fans for Coca-Cola products as they entered the grounds, and banning spectators carrying contraband drinks.
	SATURATION Ambushing	The strategic increase in the amount of marketing communications around the time of an event by a non-sponsor in order to maximize awareness and capitalize upon the increased consumer attention and fan equity afforded to property-affiliated brands before, during, and after an event broadcast or coverage.	Red Bull, Vancouver Winter Olympics, 2010 Red Bull advertised heavily throughout the Games during both Canadian and American broadcasts of the Olympics, leading to marketing and communications tracker TrendTopper identifying the brand as among the most active brands affiliated with the Vancouver Games, and one of the most successful ambushers of the event.

4.3.1 – Direct Ambush Marketing Activities

The first category, direct ambushing, represents the most traditional or targeted strategies employed by ambushers, making specific reference to individual events or sponsors, or utilizing a direct connection with the property in order to ambush the event. As one interviewee argued, “*Significant competitors... don’t want to let a company sponsor an event without challenging it a bit. So they go out and find some way to have an association with the event*” (S7). Direct ambush marketing thus refers to the intentional or targeted association of a brand with a specific event, property, or sponsor by an ambush marketer through clear and explicit reference or connection to the event or ambushee, including the flagrant or overt infringement of a sponsor’s or rights holder’s intellectual property, or the direct attack of a rival’s official sponsorship. Based on the examples analyzed, direct ambush marketing is employed by brands to both attack and devalue the official sponsorship of rivals, or to capitalize on the large audience generated by the event or team. Four individual ambush strategies – predatory, coat-tail, rights infringement, and rights extension ambushing – are classified as direct ambush activities, and expanded upon here.

(i) PREDATORY Ambushing

The deliberate ambushing of a market competitor, intentionally and knowingly creating an explicit reference to a property and attacking a rival’s official sponsorship, in an effort to gain market share and confuse consumers as to who is the official sponsor.

Predatory ambush marketing represents the intentional, targeted ambush of a corporate partner, property, or event: “*A bit of an underhanded, cheap shot at somebody else’s endeavors and hard work. Somebody coming in to claim all the glory and confuse your consumer and confuse the message*” (S2). This form of ambush most closely resembles the ‘parasitic’ view of ambush marketing as previously suggested by the International Olympic Committee, in that it involves purposefully and intentionally ambushing a sponsor or event in an attempt to confuse consumers as to who holds the official relationship between sponsor and sponsee, and to draw attention away from the sponsor and onto the ambushing brand. Predatory ambushing was perhaps most common in the earliest observed instances of ambush marketing in the 1980s and early 1990s, when the competition for official sponsorship rights and the aggressive growth of the value of

sport as a marketing platform encouraged rival brands such as Kodak and Fuji, McDonald's and Wendy's, and Nike and Converse into direct competition for consumer attention around major events.

Fig 4.1 has been removed due to third party copyright. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University

(Image: PepsiCo, 2010)

**Figure 4.1 – 2010 FIFA World Cup, South Africa
Pepsi 'Refresh Your World' Advertisement**

Pepsi, in time for the 2010 FIFA World Cup in South Africa, created a multimedia partnership with Microsoft to launch a digital ambush campaign around the World Cup. The campaign, which included brand ambassadors such as Lionel Messi, Thierry Henry and Kaká, extended throughout the Microsoft/MSN network, including Hotmail, XBox, and MSN news feeds, as well in mainstream print and television media, ambushing Coca-Cola's own sponsorship activities and rivaling the official sponsor's multimedia efforts.

This was perhaps no more evident than in the campaigns developed by American Express to ambush rivals Visa at the 1992 Barcelona Summer Olympics and the 1992 Albertville and 1994 Lillehammer Winter Olympic Games. In response to Visa's heavily promoted exclusivity within the Olympic park and official Games venues, and their tagline 'The Olympics Don't Take American Express', used in all of the brand's Olympic-related advertising, American Express produced a series of advertisements noting that visitors to Spain and Norway 'Don't need a visa' to visit Barcelona or Lillehammer (a play on words in reference to the limited passport restrictions for visitors to the host countries). The advertisements featured heavily on American

network television, and print advertising campaigns were undertaken internationally, extending so far as occupying outdoor advertising media at and around the Lillehammer airport prior to and during the 1994 Olympics.

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(Image: LevensmiddelenKrant.nl, 2010)

Figure 4.2 – 2010 FIFA World Cup, South Africa Heineken Pletterpet Promotion

Heineken, following on their Euro 2004, 2008, and FIFA World Cup 2006 ambush campaigns, created a vuvuzela-themed hat to giveaway to Netherlands supporters traveling to South Africa, called a Pletterpet, featuring South African and Dutch imagery, and the football chant “Hup Holland Hup!”

The hat, a promotional giveaway in the Netherlands in the lead-up to the World Cup Finals, was part of a broader ambush strategy by Heineken, including an international advertising campaign featuring a story of the South African invention of the Pletterpet, and a mock press conference announcing the unveiling of the Pletterpet to arch-rivals Germany, in an effort to ambush official sponsors Budweiser.

Based on this understanding, predatory ambushing manifests in a number of distinct ways. In addition to being directly or intentionally targeted at a specific sponsor or property, predatory ambushing typifies the increased awareness of ambushers of the

legal and legislative environment surrounding major international events. As one respondent described:

It's Pepsi... doing what they can to sign up individual athletes as sponsors who may be Olympians or may be World Cup athletes, or may be athletes in another sport, and let them imply that they must somehow be a sponsor and play directly off Coke's relationship with the event. (S7)

While direct links or associations are drawn with the event, such as American Express's explicit mention of Barcelona, Albertville, and Lillehammer (as well as official sponsor Visa), or Heineken's substantial association to South African football during the World Cup (*see Figure 4.2*), official or protected marks are seldom referenced or utilized, in order to avoid potential rights infringements or legal action. Because of the immense investment made by sponsors today, predatory ambushing is predominantly employed by major international corporations from key sponsorship product categories, such as fast food restaurants, credit card companies, breweries, and most commonly, sportswear and shoe manufacturers, providing direct competition to major international sponsors. As a result, predatory campaigns are often larger in scale than less targeted campaigns, and typically exist as part of a broader strategic marketing initiative, with greater international brand presence and activation.

Based on the examples collected in the ambush case database, predatory ambush marketing has diminished in popularity over time, in favour of less directed, more associative ambush efforts. Ambush marketers have succeeded in exploiting more surreptitious and creative opportunities than previously witnessed in ambush marketing's early existence. Nevertheless, targeted campaigns such as Heineken's efforts around the 2010 FIFA World Cup highlight the continued threat posed by direct market rivals to official sponsors, particularly around the largest, most lucrative international events. While more contemporary, indirect examples make less explicit reference to individual sponsors as compared to earlier ambush attempts, the competition posed and apparent intent on the part of the ambusher to compete directly with a sponsor represents an important concern for event sponsorship stakeholders, particularly in major sponsorship product categories where significant competition exists for market dominance.

(ii) COAT-TAIL Ambushing

The explicit attempt by an organization to directly associate with a property by establishing a legitimate link with an event stakeholder or participant, such as the sponsorship of a participating team, athlete, or broadcaster, and the activation of that association in creating a perceived affiliation with the parent property.

While the employment of predatory ambushing has diminished as ambush marketing has adopted a more strategic, capitalistic approach, the use of direct ambush activities has nevertheless continued. In many contemporary instances of ambushing, establishing a direct, targeted association with an event provides the brand with an opportunity to both compete internationally for consumer attention and awareness, rather than merely aiming to devalue or attack a competitor's sponsorship. Coat-tail ambush marketing refers to those ambush activities of brands attempting to build or establish an association with a parent property (e.g., the Olympic Games), through a legitimate association to a member stakeholder (e.g., a national sports association, participating athlete, or broadcaster). In effect, the actions and activities of stakeholder sponsors that imply or portray an association with a parent event, *“trying to buy an association without paying for the rights [and] ride on the back of an event or property itself without paying the official sponsorship fees”* (S1).

The distinction between targeted, predatory ambush marketing, and the use of a legitimate connection to an event in ambushing a property, is an important one. As noted by Meenaghan (1994) and Crompton (2004b), by aligning with an event stakeholder, the ambush marketer is entitled to activate that association and leverage their sponsorship. However, the objective of the brand to promote their ties to the parent property, or to capitalize on the value of the event, suggests a previously unexplored complexity. Nike's promotions surrounding the 2008 Beijing Games, for example, explicitly referenced Beijing as a key focus of their marketing efforts, citing in a press release on July 17th, 2008: “On the twentieth anniversary of the launch of ‘Just Do It’, Nike today kicks off its global advertising campaign for Beijing...” (Nike, Inc., 2008). Nike's promotions equally afforded the brand the opportunity to leverage the brand's own involvement with member associations and athletes participating in the Games (see Figure 4.3).

Fig 4.3 has been removed due to third party copyright. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University

(Image: TheSlogan.com, 2008)

Figure 4.3 – 2008 Beijing Summer Olympic Games Nike ‘Courage’ Advertisement

In time for the 2008 Beijing Olympic Games, Nike created a new campaign titled “Courage”, featuring a minute-long TV-spot of still photos and short action clips of Nike-sponsored athletes and prominent Olympic stars and events, emphasizing their involvement in sport and their vast stable of athlete endorsers. The commercial concluded with the Nike-sponsored Paralympic runner Oscar Pistorius, whose legal challenge to be eligible for the Games garnered considerable international media coverage in the run up to the event.

As a result of the legitimate connection between ambusher and event stakeholder, coat-tail ambushing represents perhaps the most difficult ambush strategy by which to define the intent or objective of the ambushing brand. The brand’s interest in aligning and involvement with the property may be (and most often is) genuine, and as such their activation of that association cannot be prevented. Argued one respondent:

The key thing for us is that we have an absolute clear, legitimate right to be operating in this environment; and that’s something that we certainly don’t want to change. Otherwise, the benefit of us sponsoring this particular team, we wouldn’t be able to realize that. (S2)

With this potentially legitimate affiliation between brand and stakeholder, it is important to differentiate between sponsorship activation and ambush marketing. Within the context of this typology, coat-tail ambushing therefore refers to the implication of an association with the parent property through a stakeholder’s sponsorship-linked marketing that is above and beyond their own association with the property, therefore leveraging the value of the event under the auspices of their own existing involvement.

This difference between leveraging an association with an event stakeholder and implying an involvement with an event is an important consideration for rights holders and sponsors in identifying and protecting against coat-tail ambushing. While some brands secure stakeholder sponsorships with the sole objective of associating with the parent property, coat-tail ambushing most commonly manifests as participant or media sponsors implying an affiliation with the event through their marketing, and capitalizing on the added awareness of consumers and access to target markets and media (for example, Target's use of Olympian Shaun White in ambushing the 2010 Winter Olympics, *Figure 4.4*). Given the cost of event sponsorship, and the limited number of official corporate sponsorships agreed by commercial rights holders, many brands interested in legitimately associating with a property are unable to do so. By associating with a member organization, a broadcast partner, a participating athlete or team, or any of the myriad other sponsorship opportunities involved within major events, brands are afforded an often lower-cost, legitimized means of linking their organization with the parent property, regardless of objective or intent.

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(Daniel Acker/Getty Images, 2010)

**Figure 4.4 – 2010 Vancouver Winter Olympic Games
Target “Gone to Vancouver” Ambush**

Prior to the 2010 Winter Olympics, American retailer Target unveiled an outdoor advertisement for snowboarder Shaun White in Times Square to wish the brand's key winter sports endorser good luck at the Games. In order to circumvent regulations prohibiting the use of an athlete's image during the staging of the Games, White's image was removed during competition and replaced by his silhouette and the tagline “Gone to Vancouver”.

However, stakeholder sponsorship also provides ambush marketers an opportunity to align with an event in competition with official sponsors, and to crowd the sponsorship market:

From a sponsoring brand point of view, I can understand that it is frustrating if you've paid 'X' million dollars or whatever it might be to be a formal sponsor of the World Cup or whatever it might be, that you then see somebody riding on your coat-tails for a tenth or a hundredth of the price, and getting some really good publicity off the back of it. (S11)

The clutter created, and confusion engendered among the tiers of sponsors, and the crossover between ambushers and official partners, represents perhaps the most difficult challenge posed by contemporary ambush marketing.

Given the marketing rights available to sponsors of national federations or sports associations, coat-tail ambushing can manifest as both large- and small-scale communications activities. Around major events such as the Olympics or World Cup, regulations and restrictions exist that limit the potential activities of coat-tail ambushers, including allowances over brand presence and the event, or the use of athletes' images or personas in marketing activities during competition. A national-level sponsor, therefore, is geographically limited in their marketing efforts around a property; by contrast, an athlete endorsement is typically global in scale, allowing a sponsor to communicate that connection, and associate with the parent property, internationally. As such, despite the restrictions in place coat-tailing affords brands the opportunity to establish a strategic presence in communicating their association when executed properly. It is therefore imperative that rights holders and sponsors understand and define what marketing is allowable and legitimate, and what is ambush marketing, in order to better understand the potential ambush opportunities available, and how best to protect official event sponsors.

For example, the activation of broadcast sponsorships by brands as a means of suggesting a more significant association with an event has historically been among the most common forms of coat-tail ambushing. Early categorizations of ambush tactics by Meenaghan (1996) and Crompton (2004b) noted the purchasing of advertising time or the utilization of broadcast sponsorship as a key means of ambush marketing; such

efforts often permitted a sponsor's competitor the opportunity to associate officially with the event, and to compete directly with the sponsor. Several key examples of such tactics from the 1984 Olympics formed the basis of most ambush marketing thought in the 1980s and early-1990s, as major brands competed for sponsorship opportunities and sought out new means of creating an 'official' involvement with events. The procurement of a broadcast sponsorship affords a brand certain rights of association, which if respected, and if entered into genuinely, would exclude such campaigns from being considered ambush marketing. The suggestion made, however, by sponsors and rights holders around the 1984 Los Angeles Games, was that brands such as Wendy's and Kodak specifically secured American broadcast sponsorships – and exploited the intellectual property rights afford them (including, at the time, the use of Olympic marks) – in order to compete directly with rivals Fuji and McDonald's.

As a result of the proliferation of marketing and sponsorship opportunities around major events, the utilization of coat-tail ambush strategies has developed considerably over time. Recent examples exemplify a more ambitious, aggressive positioning of stakeholder brands around major events; Nike's efforts around the 2008 Beijing Olympics, for example, reveal a direct and targeted ambush of the Games:

The one that always comes to mind, and they're marketed as it, is Nike, and... their ambushing of different events. They don't, they themselves don't sponsor major events; I'm sure you know, they sponsor teams and personalities, and they describe it I think as coming at it from a different angle, which is true.

They've been very creative in some of the campaigns they've run, and certainly in the minds of consumers, things like the World Cup, everyone assumes, or a lot of people assume, that it's Nike there as an official sponsor, not adidas. So, the huge fees that brands like adidas have paid to be an official sponsor... it becomes harder to justify them if it's not getting that cut-through. (S3)

Nike's sponsorship of 22 of the 28 Chinese national sports federations involved in the Olympics, gave the brand a legitimate and direct link to the Beijing Games: an association the brand was fully within its rights to leverage. However, their sponsorship of those associations, and their involvement with the Games, suggests not that the brand specifically supported those associations or had a vested interest in their development, but rather that the brand viewed those stakeholder sponsorships as a

means of leveraging the brand against the Olympics, providing added value to their marketing efforts internationally, and building the brand in the Chinese market.

While this may appear to be a condemnation of Nike's marketing and sponsorship practices, it is not. Coat-tail ambushing is by far the most prevalent direct ambush strategy, and among the most difficult to define in practice. Major events such as the Olympics represent the largest and most valuable marketing opportunity available to stakeholder sponsors, and therefore drive much of the value for sponsors and rights holders. To restrict the leveraging of these sponsorships around major events would be extremely limiting for stakeholders, whose operations often depend on national-level sponsorship. It is therefore difficult for event organizers to be overly critical of such coat-tail ambushing, or indeed to protect against or prevent it, without compromising the viability of stakeholders' sponsorship activities.

Consider, for example, two alleged ambush marketing attempts from the 2002 Salt Lake City Winter Olympics and the 2010 FIFA World Cup. Despite not being an official sponsor of the 2002 Games, Nike negotiated equipment deals with each of the men's and women's Olympic hockey federations, ensuring that the brand would be prominently visible in all men's and women's games throughout the tournament, including during marquee matches involving Canada or the United States. Similarly, Puma utilized the 2010 World Cup as a means of promoting their standing in world football and their stable of sponsorships with African national teams, creating a worldwide campaign titled 'Love = Football' (*see Figure 4.5*), thereby leveraging the brand's assets participating in the World Cup, and making direct reference to the importance of the tournament in the brand's marketing activities.

These examples highlight the difficulty faced by rights holders in combating coat-tail ambushing, and exemplify the opportunism exploited by ambushers, and the potential value of securing stakeholder associations. Said one executive: *"We're taking full advantage of the rights that we may have, and also pushing the envelope the best we can within the guidelines to associate our brand with the world events as best we can"* (S5). Both Nike and Puma activated their associations around the events fully within the

legal restrictions and frameworks in place, leaving little recourse for organizers to protect against the ambush.

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(Image: PumaFootball.com, 2010)

**Figure 4.5 – 2010 FIFA World Cup, South Africa
Puma “Love = Football” Campaign**

Puma ran a football campaign titled “Love = Football”, using African imagery including the African continent in its marketing in the run up to the 2010 World Cup. The brand promoted the campaign aggressively in leveraging their affiliations with African national teams and participating players. Puma Canada marketing director Sheila Roberts stated in 2009 at the Canadian launch of the campaign: “... Globally, Puma is all about [the] 2010 World Cup in South Africa next year, and the campaign is Love = Football” (Burton & Chadwick, 2010).

The activation of athlete endorsements and equipment contracts around sporting events, therefore provides brands with a legitimate involvement with a property and access to key promotional assets such as athletes, coaches, and teams. Such stakeholder agreements can easily be leveraged or positioned by utilizing suggestive imagery or terminology to portray a broader association with a parent property, thus affording coat-tail brands an opportunity to capitalize on the value of the larger asset. Noted one respondent:

My favourite example, usually is – a couple of years ago the folks at Glacéau, or VitaminWater and all of their other products, they did a series of print ads; the one that stands out in my mind is one with LaDainian Tomlinson. It’s a double truck, full spread, big picture, and in a baby blue and dark blue jersey, number 21 on it, in the background, a dark sky – and they have lightning bolts in a dark sky.

So, very clearly implying a relationship with the San Diego Chargers; no league marks, no team marks, it's just a deal done directly with the player, but, you know, leveraging and implying an association with the team. (S6)

Ultimately, coat-tail ambushing represents one of the most contentious and difficult forms of ambush marketing to defend against, or define, for commercial rights holders. Through suggestive or opportunistic leveraging, brands such as Glacéau are able to establish a link not only with the athlete or property they've contracted, but with a larger or more valuable property as a means of leveraging their endorsement agreement on a larger, more lucrative scale. Given the proliferation of marketing and sponsorship opportunities with major events and properties, and the increasing availability of marketing media for ambush marketers to leverage an association with events, the potential for stakeholders to imply a more significant association with properties, and extend their own affiliations beyond their involvement, presents a significant challenge for rights protection, and an increasingly prevalent means of ambush marketing.

(iii) RIGHTS INFRINGEMENT Ambushing

The intentional use of protected intellectual property in a brand's marketing (including trademarked and copyrighted property such as logos, names, words, and symbols), or the willful infringement of an event's rules and regulations, in an effort to capitalize upon the awareness and attention surrounding an event, and align the brand in the eyes of consumers to a particular property or event.

While coat-tail ambush marketing exemplifies the awareness and creativity brands employ to circumvent the guidelines and restrictions around event marketing, not all ambushers are as careful in respecting the legal framework around events and event sponsorship programmes. The most flagrant and explicit example of direct ambush marketing strategy is the unauthorized – whether intentional or accidental – infringement of an event's intellectual property rights in a non-sponsoring brand's marketing around an event, a practice referred to here as rights infringement ambushing. As one executive described: “*Somebody's ultimately trying to drive a revenue stream, using the marks and words and logos we've paid for, that ultimately shouldn't exist, because it should be ours on an exclusive basis*” (S1).

Although examples of merchandise counterfeiting and other non-marketing related intellectual property rights infringements were excluded in the development of the ambush case database (major rights holders like FIFA and UEFA investigate hundreds of such cases annually), the use of protected marks by brands in their marketing around an event is a significant concern for rights holders, and a potentially complex area of ambush marketing. As anti-ambush legislation is enacted in more countries and has evolved to address the growing number of opportunities open to ambush marketers, the intellectual property rights granted to major rights holders have increased, encompassing more generic phrases and imagery, and providing more stringent protection over the unlawful association of brands to major events.

The legitimate approach to rights protection around major properties has become one of the key counter-ambush measures employed by rights holders internationally in response to the increasing uncertainty surrounding ambush marketing. As ambush has evolved, the use of protected marks by larger, more ambitious, or international ambush campaigns has diminished. However, the value of sports events for local business has encouraged more local, smaller scale ambush activities, and witnessed a growing use of protected marks in promotional materials. The 2010 World Cup in South Africa, for example, saw FIFA investigate thousands of intellectual property rights infringement cases by local businesses. Among the most prominent infringements was that of Eastwood's Tavern, a Pretoria bar taken to court in 2009 by the football governing body for wrongly using FIFA-owned marks in their advertising around the event (*Figure 4.6*). Eastwood's represents one of the strongest indications of FIFA's defense against rights infringement, and the enforcement of anti-ambush legislation by the South African government: one of the most litigious events in ambush history.

Examples such as Eastwood's, however, overshadow more serious threats posed by ambush marketers, and complicate the practical perspective of ambushing. While ambush marketing legislation has proven an effective means of protecting against such flagrant uses of protected marks in non-sponsors' marketing efforts, such infringements have become particularly uncommon at the highest levels of ambush marketing, and have little discernible impact on the activities or return on investment of major

sponsors. Moreover, the legal definition of ambush marketing adopted by many cities and countries at the behest of rights holders like the IOC affords undue influence on the part of organizers in dictating what is considered ambushing (Séguin, Gauthier, Ellis & Parent, 2009), clouding more important issues in favour of protecting the rights of event organizers. The attention given to trademark infringements of this nature distracts from other, more creative and subversive examples of rights infringement ambushing that are in need of greater examination.

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(Image: Managing Intellectual Property, 2009)

**Figure 4.6 – 2010 FIFA World Cup, South Africa
Eastwood's Tavern, Pretoria**

In 2009, FIFA won a lawsuit against Eastwood's Tavern, a pub in Pretoria, for using the phrase "World Cup 2010" in promotional materials and signage. The win in court upheld South Africa's legislation in place to protect intellectual property rights infringements around the World Cup, and forced the bar to remove all offending signage and marketing materials, and pay a steep fine for their efforts.

Illegal ticket distribution (such as offering consumers the opportunity to win tickets with purchase or custom as part of a non-sponsors promotions around an event), for example, has emerged as a popular means for non-sponsor brands to affiliate with an event, (McKelvey, 2005). Although there exists laws and regulations in place regarding ticketing prevent such activities, brands have increasingly sought to incorporate match-day involvement or game experiences in their ambush marketing through such

promotions, in an effort to capitalize on fans' attention and goodwill. One executive recounted:

I'm reading, after the games here, a lot of local publications and things, and magazines... finding literally dozens of examples of inappropriate association with the games. People who bought tickets, they had giveaway tickets in their stores, they gave away tickets with certain purchases, they included the logo in their advertising – which was not appropriate – and they just do this, sometimes inadvertently and sometimes because they'd much rather apologize later than ask for approval. Somebody does that in publications and they include your logo and imply an association, and then the event ends, what are you going to do? (S7)

Ultimately, illegal ticket distribution in ambush marketing undermines commercial and legal rights by capitalizing on the property's value and implying a legitimate connection to the event without the official right to do so. As such, rights holders have been increasingly forced to control and police the distribution of tickets both domestically and internationally, and to understand the legal ramifications of rights infringement campaigns. In 2003, for example, Coors Brewing Company were sued by the National Collegiate Athletic Association (NCAA) over an illegal promotion the beer brand ran ambushing the NCAA's men's basketball March Madness tournament. The promotion, offering contestants the opportunity to win tickets and travel to attend the Final Four championships, proposed to distribute tickets to the games illegally, in breach of the NCAA's ownership rights. The case was settled out of court, providing one of the earliest and most important legal case precedents for ambush marketing. Similar incidents involving Burger King and Imperial Oil (ESSO Canada) in 2006 for the FIFA World Cup and Turin Winter Olympics have highlighted the potential illegality of ambush campaigns, and signify a growing move towards illegal ticketing in ambush marketing campaigns.

Furthermore, rights infringement ambushing manifests in a number of ways previously unthought-of in ambush marketing research. These include the establishment of a branded presence within an event stadium or host site, or inside the marketing exclusion zone established for the property (such as DeWalt's ambush of Major League Soccer and the Mexican Football Federation in 2009, *see Figure 4.7*); the unsolicited use of protected or suggestive imagery or terminology (such as Kulula Air's attempted ambush

of the 2010 World Cup, *see Image 3.11*); the unlicensed use of copyrighted or representative music (such as the UEFA Champions League theme music, or an event's commissioned theme song); the depiction of an athlete in a brand's marketing during Olympic competition, and the breach of other event-specific marketing regulations; the linking of promotions to an event's participants or results; and countless more.

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(Image: Schwimmer Legal, 2009)

**Figure 4.7 – 2009 Major League Soccer
Mexican Football Federation DeWalt Promotion**

In 2009, Major League Soccer initiated legal proceedings against Black & Decker, alleging that the company had engaged in ambush marketing and confused the league's Hispanic fans by setting up promotional booths outside MLS-sponsored Mexican national team matches held in San Diego, Los Angeles, and Houston. Black & Decker brand DeWalt, as well as advertising outside the host venues of the games, allegedly used MLS logos in their ads without securing the league's permission, and gave away tickets with the purchase of DeWalt tools, a violation of the MLS's sponsorship agreement with Makita.

Principal among the rights infringement methods employed by ambushers in recent years has been the presence of ambush marketers within the confines and immediate proximity of events. As brands have sought to establish greater awareness among event-spectators and international audiences, and engaged increasingly with spectators in leveraging the fan equity provided by major events, such campaigns have proven a significant concern of major event organizers. The threat posed by such attempts is perhaps no more apparent than in the actions of Dutch brewers Bavaria at the 2006 and 2010 FIFA World Cups. Following on the brand's highly publicized 'Leeuwenhose' promotion in 2006 (orange lederhosen named after the Dutch national symbol, the lion, given away to Dutch supporters traveling to the World Cup in Germany), the

Netherlands-based brewery constructed a highly controversial ambush of the 2010 World Cup. In celebration of Queen's Day, the Dutch national holiday, Bavaria staged a fashion show to release the Dutch Dress, an orange mini-dress with blue, red, and white belt, modeled by Sylvie van der Vaart, wife of Netherlands international Rafael.

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(Image: Kevork Djansezian/Getty Images, 2010)

Figure 4.8 – 2010 FIFA World Cup, South Africa Bavaria Dutch Dress Ambush

Following on their much-publicized ambush attempt at the 2006 FIFA World Cup, Dutch brewery Bavaria designed an orange dress given away prior to the 2010 World Cup. The dress was officially unveiled in time for Queen's Day – a Dutch national holiday – modeled by Sylvie van der Vaart. The brewery then hired two women to recruit South African models to enter the opening round match between the Netherlands and Denmark dressed as Danish fans, only to strip into the Bavaria Dutch Dress during the game.

Officials removed the women from the stands, and FIFA pursued charges against the two Dutch organizers, leading to protests from the Dutch government. The women were eventually released following an out-of-court settlement reached between FIFA and Bavaria.

Two women representing Bavaria were sent to South Africa to hire a group of South African models, who, together with Bavaria's representatives, entered the group-stage match between Holland and Denmark dressed as Danish supporters. During the game, the women put on an elaborate striptease, removing their Danish outfits and revealing the Dutch Dress, a demonstration the women had performed previously for fans outside the stadium. Stewards and officials removed the women from the stadium, leading to the eventual arrest of the Bavaria representatives; the two Dutch women were charged

by the South African police amid protests from Bavaria and the Dutch government, on allegations of ambush marketing. After FIFA and Bavaria reached an out-of-court settlement, and following intense media scrutiny and coverage of the ambush and subsequent legal proceedings, the women were ultimately released.

The confusion and awareness created by Bavaria's efforts not only complicated both the short- and long-term sponsorship activities of FIFA and its corporate partners by calling into question the severity and appropriateness of ambush marketing legislation and in-stadium protection measures, but also afforded Bavaria unprecedented international media attention. Bavaria's actions, and FIFA's subsequent reaction, forced official sponsor Budweiser to absolve itself of FIFA's pursuit of legal action against the Dutch organizers in an effort to re-establish goodwill among football supporters. Noted one interviewee:

Arresting young women and putting them in jail... If I was Anheuser-Busch, I'd probably be fired from my job if I was responsible for getting somebody's daughter put in jail for wearing a piece of material; whether [the dress] was emblazoned with a brand or not, is irrelevant. And it clearly wasn't. It is over-reactive and is nanny-state type stuff. (S2)

Increasingly, major events are governed by extensive marketing restrictions that reflect the significant value of sports marketing and the increased awareness of potential ambush opportunities. Unfortunately, as countries adopt anti-ambush marketing legislation to protect against the use of increasingly generic terms and imagery not previously forbidden under traditional intellectual property rights protection, the possibility for brands to knowingly or unknowingly infringe upon event rights within their marketing efforts has increased. Whereas previously, an illustration of a football player in a South African marketing campaign would have raised little attention, campaigns such as Kulula's now fall outside the law. While such protection limits the illegal use of protected imagery and terminology and has raised awareness of the marketing rights of sponsors and rights holders, the defense against rights infringement ambushing has proven a particularly contentious area of ambush protection. The often overzealous actions taken by rights holders and local governments have frequently served to merely raise the profile of ambush marketing, and to generate increased attention for rights protection programmes and ambush marketers.

(iv) *RIGHTS EXTENSION Ambushing*

The extension of an official sponsor or event partner's marketing communications activities above and beyond what has been agreed in the sponsorship contract, effectively ambushing the parent property and infringing upon the rights of other official sponsors.

As well as those activities by non-sponsors in contravention of the laws and legislation surrounding events, the legal implications of ambush marketing equally extend to the actions and activities of official sponsors when leveraging their associations with an event. Whereas rights infringement ambushing refers to the infringement of sponsors' rights and rights holders' intellectual property by non-sponsoring brands, rights extension ambushing refers to the ambush marketing activities of official event sponsors. Increasingly, official sponsors are extending their own marketing activities beyond their contractual agreements, either into areas or activities owned by another sponsor, or outside the official rights controlled by the rights holder, in an effort to capitalize on the promotional opportunities available to them. Said one respondent:

Strict rules exist about sponsors' marketing and promotional rights. Carlsberg are notorious for ambushing the Euros, which they sponsor, by marketing beyond their rights and allowances. What they've paid for is in the contract; they're seeking media/brand exposure beyond what they've paid. (R3)

Defined as an official event partner that extends their own sponsorship-linked marketing activities above and beyond the agreed contractual allowances of the sponsorship (thus infringing on the event's own intellectual property rights and/or the sponsorship rights secured by another corporate partner), rights extension ambushing poses a rather unique challenge for event sponsorship programmes. Much like rights infringement ambushing, rights extension represents an explicit, targeted association with a property that forms part of a broader marketing effort to leverage the official relationship held by the brand. Observed one sponsor: *"In a lot of ways, in what we sponsor, we see people trying [to] demonstrate a kind of rights that they don't really have a full right to. So there are people who try to activate more than they have the right to"* (S4). This type of ambushing highlights the marketing value that is sought by brands through sport, regardless of their official or unofficial association with the property, and illustrates one

of the key shortcomings of contemporary sponsoring practices: the individuality of rights protection and sponsorship relations.

As a result of the sponsor-specific focus of most rights protection activities, and the concentration of sponsors on their own rights and assets, there exists little cooperation between sponsors in leveraging around major events: *“Sometimes rights holders turn a blind eye I think, because they’re keen to get exposure for their property as well”* (S4). The competition between sponsors for awareness, and the importance of capitalizing on the marketing value presented by the brand aligning with a property, encourages brands to extend their own rights beyond those secured in the sponsorship contract. As a result, sponsors typically infringe on areas potentially owned by other partners, or unavailable to official sponsors for marketing purposes, in an effort to accrue additional exposure around the event, and to gain increased marketing opportunities. However, allowing sponsors to extend beyond their contractual allowances risks infringing on the rights of other corporate partners, crowding or cluttering the event’s marketing landscape, or over-commercializing the property. In this light, rights extension ambushing threatens the hierarchy of multi-tiered sponsorship, potentially allowing lower-level sponsors (e.g., a national partner or supplier) to leverage their association and imply a larger, more significant association with the event. As one national-level sponsor described:

Because we’re paying a lesser fee in terms of the category fee, it allows us to have a budget in place that’s not completely absorbed by fee, and allows us to activate our sponsorship in a way that gives us a great, I don’t want to say competitive advantage, but it gives us great flexibility. (S2)

While such activities may fall outside tradition definitions of ambush marketing, the inherent aim – creating an association with a property above and beyond that which a brand has the authority to portray – represents a distinct manifestation of ambush strategy.

Furthermore, rights extension ambushing can manifest in official sponsors ambushing their own properties by leveraging their sponsorship through multiple brands under the same corporate umbrella, or by transferring their rights to partner organizations or sister brands. While the adoption of category exclusivity and rights bundling in the late-1970s and early-1980s signaled a period of extensive growth and development for

sponsorship, the past decade has seen sponsorship programmes balloon to encompass multiple tiers and greater numbers of official partners. As such, the marketplace surrounding major events has grown evermore cluttered. One interviewee highlighted this concern, noting that:

The problem in today's world is there are very few companies that have just a single product, and don't have any product extensions. And more and more conglomerates become sponsors, and have secondary products that they want to get exposure for. (S7)

Procter & Gamble's Olympic sponsorship agreement, for example, granted the company the right to associate each of their brands with the Games. One of the largest conglomerates in the world, Procter & Gamble's stable of more than 100 internationally sold and recognized brands has more than doubled the number of official partners for the Olympics, cluttering the sponsorship environment and potentially overshadowing the efforts and activities of official partners.

By agreeing sponsorship partnerships with multi-brand corporations, and allowing the official association of brand extensions, or the marketing of multiple product categories beyond the agreed category-specific sponsorship, events risk further cluttering the sponsorship market and infringing on the rights of the official sponsors. Similarly, sponsorship agreements with competing brands in different product categories (such as Samsung and Panasonic sponsoring the 2006 Turin Olympics) creates confusion and affords brands the opportunity to imply an association above and beyond their official agreement:

One of my first events we had – Xerox was the copier sponsor, and Kodak was the film sponsor... but Kodak also had copiers. And they wanted exposure for that, and you know, when you put a sign up that said Kodak at a venue, was it Kodak film, or was it Kodak copiers, or was it Kodak whatever?

And so... and if you had a Kodak camera and they were selling Kodak cameras, but if you had Minolta as a sponsor, is Minolta a copier sponsor or a camera sponsor? And if the sign only says Minolta or Kodak or whatever, what are their product lines? And that problem is not going away. And, you know, what is 'ambush' if you have... if sponsors are ambushing each other because of the breadth of their product line? (S7)

The confusion created by such crossover, and the potential complications posed by brands extending their marketing into other product categories in order to maximize their sponsorship value, is a growing concern. The proliferation of official sponsorship and clutter caused by multiple sponsors and rights extension between brands has encouraged a recent downsizing of sponsorship programmes at the upper tiers of sponsorship, as evidenced by FIFA's contracted family of international sponsors. Finally, the ambushing of an event by one of the property's own commercial partners also manifests in the pre-emptive ambushing of a rival by an official sponsor, or extending a sponsor's own promotional rights as a means of protecting against or preventing a potential ambush.

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(Image: AdsoftheWorld.com, 2008)

**Figure 4.9 – 2008 UEFA European Championships, Austria & Switzerland
adidas 'The Impossible Huddle' Campaign**

As part of their marketing for their sponsorship of Euro 2008, adidas produced eleven giant inflatable footballers – called "The Impossible Huddle" – representing each of the participant countries in Zurich's Central Station. Each of the giant figures wore their country's shirt, with adidas logos and stripes, including those countries sponsored by Nike and Puma (such as Holland, Portugal, and Switzerland).

While few prominent cases exist to date, adidas' marketing activities at the 2008 UEFA European Championships represent an acute awareness of the threat posed by competitors Nike and Puma, and a move towards claiming the full benefits of their sponsorship association by extending their sponsorship-linked marketing beyond their rights. adidas, in anticipation of ambush attempts by rivals Nike and Puma, created a team of giant inflatable football players placed in Zurich's Central Station (*see Figure 4.9*). The figures represented eleven adidas-endorsees and nine of the participating nations of the UEFA European Championships, despite not owning the rights to many of the depicted national teams' shirts. While not all official sponsors can be expected to pre-emptively attack known ambushers so blatantly, the use of ambush marketing techniques to combat ambush marketing is a development worthy of greater investigation.

Ultimately, the threat posed by rights extension ambushing represents perhaps the most unique challenge for rights holders identified in this typology. As the predominant focus of event hosts in protecting against ambushers has been to secure the legal and legislative prevention of ambush campaigns, little attention has been paid to the clutter caused, or to the potentially corrosive leveraging activities undertaken, by official corporate sponsors. While aggressive sponsorship-protection programmes have encouraged greater discipline and control among sponsors as a means of policing crossover between brands with similar product offerings, the increasingly crowded marketplace surrounding events is evidence of the challenge faced. As such, the emergence of rights extension ambushing, and the individualistic nature and focus of contemporary sponsorship, represents an important development in the direction of ambush communications.

4.3.2 – Indirect Ambush Marketing Activities

The direct ambush strategies identified here represent the most conventional or traditional view of ambush marketing expressed in the sponsorship literature in a number of ways. The directed, targeted actions of non-sponsors against official partners and commercial rights holders, and the infringement of intellectual property rights and use of stakeholder associations to leverage a brand against an event exemplify the

earliest and most common examples of ambush marketing during its formative years, and define much of what has been considered ambush marketing in past research. However, areas such as rights extension ambushing, and the increasing sophistication with which direct ambush campaigns circumvent the legal infrastructure around events, demonstrate an evolution in ambush marketing and a growth in direct ambush strategies over time. While direct ambush activities represent the most readily and easily defensible ambush marketing strategies, in that there exists legislation, contractual limitations, and a legal infrastructure available to rights holders to protect official sponsors, indirect ambush strategies pose a significantly greater challenge. The progressive response of ambush marketers to the counter-ambush measures employed by events has given rise to an evolution in ambush marketing, and a push towards more indirect, subversive means of leveraging non-sponsor brands against sports properties.

While direct ambush strategies reflect the competitive, contentious nature of ambush marketing and event-related marketing long-thought to be the underlying aim of ambush marketers, further investigation into the examples and experiences analyzed reveals a considerably greater focus on more associative, implicit ambush marketing strategies which better explain the contemporary event marketing landscape. Indirect ambush strategies draw upon the awareness and attention of consumers surrounding the event, without explicit or express reference to the property or official sponsors. In doing so, they seek to capitalize on the marketing value of events through suggestive imagery or terminology, opportunistic timing, brand presence, or other indirect allusions to the event or property at stake. Described one respondent:

It's people being clever, in terms of skirting around the intellectual property rights of a particular organization/event, by way of trying to create an impression that the organization is actually involved with that event/organization and create an association between the brand and the event. (S11)

Whereas direct ambushing seeks to explicitly link the ambusher to the event at the expense of an official sponsor or corporate partner or in direct contravention of existing regulations or property rights, indirect ambushing endeavors to associate a brand with the property and capitalize on the attention, awareness, goodwill, and fan equity sought by official sponsors. While counter-ambush measures and official rights protection

programmes have historically focused on the threat posed by direct ambush activities, the general impact of associative, indirect ambush strategies on sponsorship has yet to be meaningfully examined, despite the growing awareness of such marketing around events.

Given the increasingly diverse methods employed by ambush marketers, and the multitude of media available to ambushing brands, indirect ambushing has emerged as a major category of ambush strategy and a key concern for rights holders and sponsors. Four types of indirect ambush marketing have been identified and explored, exemplifying the creativity and innovation employed by contemporary ambush marketers, and highlighting the evolution in ambush strategy and media over the course of ambush marketing's development. These types, here referred to as Associative, Experiential, Peripheral, and Parallel Property ambushing, each represent a distinct progression in the methods used and opportunities sought by ambush marketers in establishing a link with an event or capitalizing on the fan equity afforded to brands associated with major sporting events. The types elaborated here reflect the growing sophistication and ambition with which modern ambush marketing is undertaken, and the increasingly indirect, implicit direction of contemporary ambush marketing.

(v) ASSOCIATIVE Ambushing

The use of suggestive or associative imagery or terminology by a brand to create or imply an association with a specific sporting event or property, without making explicit reference or portraying an official association with the property.

Foremost among the indirect strategies developed is the associative ambushing of an event, or the use of surreptitious marketing in aligning a brand with a property.

Arguably the definitive contemporary ambush strategy, associative ambushing refers to the utilization of imagery and terminology by non-sponsoring brands to infer an indirect association with a particular event or property by a brand, and imply an affiliation or connection with an event as a means of leveraging the marketing value and consumer attention around events. As one executive argued: “*It’s organizations coming up with a campaign to reflect the activity they are trying to ambush, playing off the imagery or themes of the event*” (S2).

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(Image: Schwimmer Legal, 2006)

**Figure 4.10 – 2006 FIFA World Cup, Germany
Lufthansa LH2006 Campaign**

Throughout the summer of 2006, German airline Lufthansa painted footballs on the nose cones of planes, as part of a promotion titled “LH2006”, a play on the airline’s flight code and the 2006 World Cup.

Examples of associative ambushing are prevalent around sports properties, ranging from the depiction of an athlete in competition in a brand’s marketing, to the more surreptitious use of an event’s theme or values (such as Lufthansa’s creative use of football imagery around the 2006 FIFA World Cup, *Figure 4.10*, or Nike’s extensive employment of Chinese imagery and cultural references in their marketing around the 2008 Beijing Olympics, *Figure 4.11*). For example, the use of national colours, flags, or slogans by a brand or organization in marketing around an international competition, implies an association between the brand and the event, without making an explicit suggestion or direct reference to the property itself (Crompton, 2004b). The ambush is intended to create a link in the consumer’s mind between the ambushing brand and the event, and as such, afford the ambusher consumer awareness and fan equity they otherwise would not enjoy. Importantly, such associative campaigns rely on subversive means of creating a link to the event, avoiding direct references and potential rights infringements or market controversy. The use of generic or creative phrasing or imagery provides the brand an opportunity to create an implicit connection, and therefore to

capitalize on the event on either a large or small scale, with little risk or contention when compared to more direct, explicit ambush strategies.

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(Image: Nike.com, 2008)

**Figure 4.11 – 2008 Beijing Summer Olympic Games
Nike Countdown**

Throughout the summer of 2008 – in preparation for the Beijing Olympics – Nike made considerable use of the number eight in their Olympics-themed marketing, a symbol of luck and fortune in China, and key theme in the Games' imagery and design (including the Games' start date, 08.08.08). The brand created an interlocking 080808 logo as part of their online promotions, running a countdown until the opening of the Games on the company's Nike.com homepage.

The potential scale and extensive reach of associative ambushing place associative efforts among the most common and adaptable ambush strategies observed. Associative campaigns afford brands an opportunity to align themselves with properties at all levels of sponsorship, from individual clubs to leagues to major international events. While ambush protection measures such as the legislation enacted in Olympic host countries has increasingly adapted to protect against the use of generic terms (and in some jurisdictions, imagery), the availability of un-protected phrases, colours, sounds, and images by which to associate with an event ensures potential ambushers an opportunity to align with a property without directly referencing the event, or risking the contravention of the property's or sponsors' legal rights. As one respondent reported:

Euro 96 is a great example, where we had the official rights, the rights to use the official marks, and then equally you had a number of other organizations trying to be creative around the wording of ‘Euro 96’ or ‘The Championships in England’, and that becomes a difficult thing to manage. (S1)

In addition to drawing on the imagery or terminology of an event, associative ambushing also manifests in brands capitalizing on the theme or sentimentality of an event in their marketing as a means of linking their brand to the event or property. Major competitions and governing bodies, such as the Olympics or FIFA, commonly adopt a central theme or message for their events, such as “fair play”, which offer brands a measure of affiliation by which to establish an associative link to the event. In its football-related advertising during the spring and summer of 2008, for example, Puma included the slogan “June 2008: Together Everywhere”, which aligned the company with the 2008 UEFA European Championships being played that month, and the tournament’s central themes of unity and combating racism (*see Figure 4.12*).

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(Image: Puma/BEAM, 2008)

**Figure 4.12 – 2008 UEFA European Championships, Austria & Switzerland
Puma ‘Together Everywhere’ Campaign**

In line with the 2008 European Championships, Puma developed an interactive mobile campaign titled “JUNE 2008: TOGETHER EVERYWHERE”, featuring the flags of participating countries in their advertising, and encouraging fans to download team-specific ring-tones, automatically played after every goal their country scored during the tournament.

In response to allegations of ambush marketing immediately following the campaign's launch, a Puma spokeswoman said the company's efforts formed part of their seasonal football advertising, and was meant as "a reflection of bringing football fans from all over the world together during a football tournament", a clear reference to European Championships; as a leading football brand, Puma "would be remiss" if it did not "recognize" such events, she added (Burton & Chadwick, 2010).

Such value-based associative ambushing also refers to the use of fan emotion and sentiment around an event, as a means of appealing to the passion and sensibilities of supporters in order to leverage an association with the property.

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(Image: MarketingMagazine.co.uk, 2009)

**Figure 4.13 – 2006 FIFA World Cup, Germany
Mars "Believe" Campaign**

In 2006, confectionary brand Mars spent a reported £3.7 million on a campaign titled "Believe" in line with the World Cup, encouraging English fans to support their team and tying the brand through heavy use of football and national imagery to English football and the England national team.

Espousing values such as patriotism, belief, optimism, or heritage in line with associative wording or imagery serves to imply an association not only with the event or property in question, but also engenders a connection with fans and supporters, establishing a link with target consumers and capitalizing on the fans' own attention and

goodwill towards the event. The use of national pride and patriotism in particular, have become popular tools in leveraging brands against major international competitions:

When the national team qualifies it's more relevant getting behind the team than getting behind the tournament, so we'll design our marketing around the national team and build on the support and attention surrounding the tournament that way. (S2)

Ultimately, associative ambush marketing exemplifies in many respects the objective and direction of contemporary ambush marketing strategy. By implying an association with a property, and utilizing creative and innovative marketing in order to establish that association in the minds of consumers, ambushers are able to capitalize on the marketing value of sport. The surreptitious and innovative use of imagery and terminology succeeds in generating this association without directly targeting or attacking a rival sponsor or infringing on the intellectual property rights of rights holders, and without paying the capital fees necessary to align with major sporting events officially. Based on the multitude of opportunities available to associative ambushers to create such links, from team colours to national sentiment, associative ambush marketing represents the most versatile type of ambush marketing communications, and the most difficult to protect against. Given the immense value sport offers marketers to communicate with consumers, the implied connection created through associative ambushing represents an important and versatile strategy for ambush marketers, and the definitive direction of contemporary ambush strategy.

(vi) *EXPERIENTIAL Ambushing*

The use of surprise, aggressively promoted, street-style promotions or marketing activities at an event, in order to maximize awareness while minimizing investment and distracting attention away from official sponsors and the event itself.

The second indirect ambush type explored draws on the confusion within the media and the practitioner community between ambush marketing and guerrilla marketing. While the two represent significantly different marketing alternatives for brands, there nevertheless remain certain parallels between guerilla tactics and ambush strategies borne out in the data. Describing the impact that the increased value of sponsorship's has had on ambush marketing, one respondent noted that the cost of sponsorship investment "precludes a number of people from being legitimately involved, so they

look to do that in an illegitimate way which results in some form of guerrilla marketing” (S1). Despite the similarities, however, ambushing represents as a significantly more strategic marketing communications alternative than guerrilla marketing. The former is aimed at capitalizing not merely on consumer attention at a targeted location (such as a street corner, train station, or public space, as in guerrilla marketing), but also on the consumer awareness and goodwill afforded sponsors surrounding a specific event or property. While this may seem a semantic difference, there is nonetheless an important distinction to draw between the two as marketing alternatives.

Within this context, however, a variation of guerrilla tactics can be employed within ambush marketing as an indirect means of ambushing a property, in order to leverage the attention, awareness, and value of consumers and media within the immediate proximity or surrounds of an event. Experiential ambushing is defined here as the creation of a presence or disruption at or around an event, in order to intrude upon public consciousness and gain attention from the event audience and surrounding marketing media. Such attempts refer equally to large and small attempts that are specifically designed to attract the attention of spectators and engage consumers in and around event venues, as a means of leveraging the property’s presence. In describing such activities, one respondent noted: *“It tends to be activity – either visibility, promotional staff, giving out complimentary products – and communications in the environment which is clearly trying to associate itself with the activity that’s taking place”* (S2).

In contrast to more advertising-based or associative ambush types, experiential ambushing typically manifests as a targeted, explicit, small-scale ambush. Rather than extending or creating a larger marketing communications campaign or platform, experiential ambush attempts are one-off, aggressive, inexpensive attempts to leverage the brand against the event or property within the immediate proximity or reach of the event. Unlike other ambush types elaborated here, experiential ambushing emphasizes and promotes consumer interaction and direct engagement with the target audience, be it through promotional giveaways to fans entering or leaving an event, employing on-site brand representatives, creating distractive or highly-visible demonstrations or

product showcases, or most controversially, utilizing spectators as ambush media in order to enter an event space that is legally and contractually protected by the property.

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(Image: Influencia.net, 2008)

**Figure 4.14 – 2008 ATP/WTB French Open, Roland Garros
K-Swiss Guerrilla Ambush**

In a one-off, guerrilla-style campaign, sportswear brand K-Swiss ambushed rivals adidas and clothing sponsor Lacoste, setting up an enormous purple K-Swiss branded tennis ball on top of a crashed car, along a major route to Roland Garros. The company then parked a heavily-branded promotional van across the street, attracting large crowds and media attention outside the event.

K-Swiss, for example, successfully ambushed the 2008 French Open, setting up a highly visible and creative promotion en route to Roland-Garros (*Figure 4.14*). The brand parked a car that appeared to have been crushed by a giant K-Swiss-branded tennis ball on public property just outside the venue's limits on a major pedestrian and public access route. Across the street, a K-Swiss van distributed gifts and marketing materials that promoted the brand and its involvement with tennis; the destroyed car became a popular visitor attraction during the tournament, capturing the interest of spectators on their way to and from the event.

Although experiential ambush attempts such as this typically receive less media attention than larger, more ambitious predatory or associative ambush campaigns, there is nevertheless an undeniable growing presence of ambushers attempting to capitalize upon the value of consumer attention within the confines and close proximity of event stadia. Whereas few ambushers risk entering onto host sites and restricted areas in the manner of Bavaria at the 2006 World Cup (*Figure 4.15*), the potential for fan interaction and engagement outside the borders of events, provides an attractive opportunity for marketers:

We all saw what happened with the World Cup with Bavaria; they just had women wearing orange dressed sitting together, walking around, and that was perceived as ambush marketing. They got more attention by doing it than they would have if they'd been the sponsor. (S7)

In fact, the controversy caused by cases such as Bavaria's 2006 ambush of the FIFA World Cup has signaled a renewed debate about the ethics of ambush marketing, and the measures implemented by rights holders in defending against ambush campaigns. Although few examples of ambushing to date have utilized spectators in the same way – far fewer, for example, than the growing use of flash-mobbing as a marketing tactic by brands like T-Mobile – there has nevertheless been concern with regards to the commercialization of spectators in this light. Flash-mobbing, and other social- or new media-driven ambush campaigns have grown progressively in recent years, giving ambushers a means of engaging and interacting with consumers internationally, and leveraging against the property or event. As well as providing a media platform for major ambush campaigns (including recent examples of predatory and coat-tail ambushing by brands like Pepsi and Nike around the 2010 FIFA World Cup), the access to consumers and connection to fans made possible through new media has made experiential ambushing a much stronger and more powerful means for non-sponsoring brands to engage and activate consumers. Although experiential campaigns are largely restricted to the immediate area of the event (as evidenced by the 2006 Bavaria ambush), the media attention accrued by more audacious or ambitious campaigns has provided ambushing brands a wider reach and greater scale of impact.

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(Image: Bavaria NV, 2006)

**Figure 4.15 – 2006 FIFA World Cup, Germany
Bavaria Leeuwenhose Advertisement**

Dutch brewers Bavaria gave away thousands of pairs of orange, Bavaria-branded lederhosen to Dutch fans on their way to the World Cup in Germany, as part of a World Cup-themed campaign by the company. An advertising campaign for the giveaway launched the promotion, showing fans wearing the lederhosen in a football stadium, cheering on the Dutch national team en route to the tournament.

Ultimately, despite the threat posed by experiential ambushing, there exists little that rights holders can do to prevent such efforts: “*Within the perimeter of where the activity is taking place is a controlled zone managed by the rights holder. But outside the immediate environment of the event, there’s little the property or authorities can do to stop it*” (S2). Those ambush marketers operating within stadia or the marketing exclusion zones around host sites risk infringing on the rights of organizers, and can be controlled and prevented; the increased access to consumers through new media and the innovation demonstrated by brands in engaging fans around events, by contrast, has highlighted the challenge facing sponsors and provided ambush marketers an increasingly popular and successful opportunity to leverage against major events. The limited control of rights holders in policing against such activities, and the value presented to ambushers by engaging and interacting with consumers through experiential campaigns, make experiential ambushing a unique and powerful ambush strategy that merits further investigation.

(vii) *PERIPHERAL Ambushing*

The creation of a marketing presence at or around an event, utilizing available marketing media and employing creative promotional opportunities, without specific reference to the event itself, its imagery or themes, in order to intrude upon public consciousness and gain awareness from the event's audience.

The third indirect ambush type examined in constructing the typology was the efforts of ambushing brands in attempting to capitalize on the game-day or direct experience of spectators and consumers through environmental or peripheral marketing opportunities, occupying marketing media surrounding event sites and stadia. This form of ambush strategy represents an extension of Crompton's (2004b) findings, and follows on the experiential efforts of marketers in and around major events. However, whereas experiential ambushing describes activities aimed at capitalizing on the fan awareness and consumer attention around events, peripheral ambushing refers to a more ethereal, surreptitious means of benefiting from a property or event by occupying surrounding marketing media and creating event-oriented, opportunistic campaigns. As one interviewee detailed:

The standard fare is at events, there could be several different brands out there... having various different types of outdoor media, so just, you know, from as bikes, to ad towers, to ad mobiles, and you know, making sure they buy up the space around the event with their own outdoor creative and so forth. (S2)

Peripheral ambushing is primarily a local, small-scale form of ambush marketing that is focused largely on the spectators and consumers around an event. However, the nature of peripheral ambushing, and the media it occupies, equally affords ambushers the potential attention of non-spectators who may come into contact with the campaign or public advertising space. Said one respondent: "*It tends to mostly happen outside of the perimeter of activity, so therefore they're on public space*" (S2). Marketing opportunities such as billboards, public transit signage, and outdoor advertising media afford brands a means of communicating with spectators on their way to and from events, as well as consumers in the local area of event sites. In 2006, for example, electronics manufacturer LG secured the use of billboards and outdoor advertising space en route between Turin and the alpine venues hosting Olympic events, securing the attention of spectators traveling between Olympic sites and leveraging the attention

garnered by the Winter Olympics, as well as attracting the attention of regular commuters and local consumers independent of the Games. Likewise, American retailer Target contracted a marketing agreement with TrenItalia – Italy’s primary rail operator – for the duration of the Games, allowing the brand to advertise heavily to consumers throughout Italy, well beyond the immediate scale of the Olympics.

Respondents, in describing such efforts, noted the prevalence of ambush marketers creating or developing alternative marketing opportunities around major events above and beyond the available advertising media in the periphery or proximity of events or spectators. Employing branded blimps or hot air balloons, staging flyovers by advertising banners or promotional aircraft, and recruiting brand representatives to drive around event stadia have all become common ambush methods for brands aiming to capitalize on the attention and awareness of spectators. In an effort to protect against such peripheral ambush marketing efforts, major events employ marketing exclusion zones where possible, as a means of preventing non-sponsoring or unofficial brands from securing marketing opportunities within the direct vicinity of host sites. Moreover, in certain jurisdictions, such as Australia, government regulations have been enacted to monitor and control the airspace over events, restricting potential advertising opportunities for would-be ambushers.

While such protection is not available to all events, major rights holders such as UEFA and the IOC have increasingly relied upon such restrictions in order to guard against the growing threat posed by ambushers. Indeed, the first marketing exclusion zones created in 2000 were a direct response by UEFA and their marketing partners to the threat posed by Nike at the 1996 UEFA European Championships, the 1996 Atlanta Olympics, and the 1998 FIFA World Cup. At all three events, Nike marketed heavily around official sites and stadia – including the construction of a highly popular fan park in Paris, and the purchase of all available outdoor signage space surrounding England’s historic Wembley Stadium. The original exclusion zones established by UEFA ensured protection against such attempts between one and three kilometers around events stadia; such has been the evolution of ambushing (and, in turn, the efforts of rights holders to protect official sponsors) that Beijing organizers reportedly secured protected zones

around a 30 km radius from Olympic stadia.

However, increasingly innovative and ambitious ambushing brands have succeeded in circumventing the regulations around events, and in this way extended the scope and reach of such attempts and garnered media attention and additional publicity for their efforts. Hugo Boss's ambush of the 2009 British Open, for example, wherein the brand launched a branded sailboat in the sea along the coast of Turnberry Golf Course, earned major international coverage and undermined the authority of organizers in protecting the event's sponsors.

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(Image: theexpgroup.com, 2010)

**Figure 4.16 – 2009 British Open, Turnberry, Scotland
Hugo Boss Ambush**

Hugo Boss launched a heavily-branded promotional sailboat into the bay adjoining the Turnberry championship course, in an effort to capitalize on the attention and media coverage surrounding the 2009 British Open. The attempt garnered national media attention in the UK following BBC reporters and online commentators noting the schooner and its branding in their coverage of the tournament.

Ambush marketers have consistently demonstrated an adaptability and versatility in their efforts in response to the protection measures enacted by major events, and identified new and more creative ambush opportunities to exploit. For example, recent events have illustrated the potential value of remote peripheral ambushing: occupying marketing media away from the event for the purpose of leveraging the attention surrounding major events. Moreover, spectator access to venues often relies on non-policed and uncontrolled areas, including motorways, railway lines, airports, and underground rail services, all of which present significant marketing opportunities for ambushing brands. Accordingly, brands such as Sony and Pepsi have increasingly employed peripheral ambushing around major events and operated outside of the restricted marketing zones established by major properties.

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(Image: The Globe and Mail, 2010)

**Figure 4.17 – 2010 Vancouver Winter Olympic Games
Sony Bravia Outdoor Marketing Campaign**

Prior to – and during – the 2010 Winter Olympics in Vancouver, Sony purchased advertising space on transit vehicles (e.g., streetcars, buses, trams) in Vancouver, Toronto, and other major population centres across Canada, promoting their endorsement of Canadian speed skater Cindy Klassen, and encouraging viewers to watch on their new HD Bravia line of televisions.

Sony, for example, advertised prominently in Vancouver and Whistler on outdoor marketing media to promote their brand around the 2010 Winter Olympics, and agreed advertising opportunities on public transit in major cities across Canada as a means of promoting the Sony Bravia television and leveraging their endorsement contract with

Canadian speed skater Cindy Klassen (*Figure 4.17*). Similarly, in 2008, Pepsi created a nation-wide promotional campaign throughout China, aggressively leveraging their presence in the Chinese market. In an effort to circumvent the marketing exclusion zones enacted around the city of Beijing and official Olympic venues, the brand focused their marketing efforts across the country in major population centres such as Shanghai. As a result, Pepsi emerged from the Games as one of the most visible and recognizable brands to activate around the Olympics.

Ultimately, peripheral ambush marketing represents an emergent and evolving ambush strategy that moves away from the immediate proximity of events and towards a broader, more sophisticated approach to capitalizing on the attention surrounding major sporting events. Such attempts highlight the potential value of marketing media around major events and the extent to which brands can and will reach in order to benefit from events. As one executive noted: *“Because events are becoming more and more protected, most ambushing today happens around venues, outside of the event – things like signage, billboards, outdoor media... clearly using the themes or location to tie themselves to the event”* (S10). By providing an indirect opportunity for brands to leverage the attention around events of both event spectators and outside consumers, peripheral ambushing signifies a growing threat for rights holders. The competition created for sponsors within the direct marketing landscape of the event has forced rights holders to secure and control any and all marketing opportunities available around events, and continues to present a significant challenge to the authority of event organizers and official sponsors.

(viii) PARALLEL PROPERTY Ambushing

The creation or sponsorship of a rival event or property to be run parallel to the main ambush target, associating the brand with the sport or the industry at the time of the event and capitalizing on the event’s goodwill and heightened consumer awareness.

Finally, the fourth indirect ambush type explored exemplifies the creativity and innovation that defines modern ambush marketing. Parallel property ambushing represents arguably the most unique and unconventional means for a brand to generate an association with a property, aiming to capitalize on an event or property by

producing a similar, competing, or implicitly associated property organizer or run alongside the ambusher property (Crompton, 2004b). Noted one respondent: *“It’s Nike setting up a big entertainment area in Atlanta, when they’re not the official sponsor, and just implying, without saying anything, that they must be part of the Games or they wouldn’t be here”* (S7). Such activities present the ambusher with a means of creating value for the brand within their own control and sphere of influence, while continuing to benefit from the attention surrounding the parent property. Parallel properties range from rivaling or competing sporting events, such as Nike’s strategically-timed ‘Human Race’ (Figure 4.18) international marathon series in 2008 (which was promoted throughout the duration of the Beijing Games, and run a week following the event’s close), to unauthorized fan zones, promotional venues, and festivals corresponding with the principal event.

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(Image: NikePlus.com, 2008)

**Figure 4.18 – 2008 Beijing Summer Olympic Games
Nike Human Race 2008**

Nike organized a global ‘counter-event’ called “The Human Race”, run in 24 cities across the world – including Shanghai – run seven days following the Olympics and featuring massive international marketing throughout the Games centered around Nike’s involvement in running and athletics.

Of concern for rights holders is the potential that such parallel properties create for confusion in the minds of consumers, and the competition for investment or expenditure they present on the part of sponsors and consumers. As one respondent detailed (event and sponsor details altered to ensure anonymity of respondent):

We had that clearly here... for the 'World Highland Games'... We had a major sponsor, 'Brand X', who underwrites a great deal of activities around the games. And then there was another event in downtown Lexington – our event was held... about 8 miles from downtown – but downtown, a group set-up an 'International Highland Festival' in the convention centre, and they went to the competitors of our major sponsors and said: 'How would you like to underwrite this?'

They were claiming a real close association with us, and our lawyers had to go and say, you know, you must remove any reference to the 'Highland' Games from your website and your marketing'. And they had to and they actually had to pay us a penalty for doing some of those things, because we had some vendors who came to us and said 'we thought we were signing up with you, and we found out after we signed the contract that they're not affiliated with you... we can't do both'. And so we were able to get a recovery based on that. (S7)

Unfortunately for many rights holders, the association drawn between the ambushing brand and the event is rarely as explicit as this, and often represents a considerably more abstract and creative means of leveraging the marketing value of events. As a result, this inhibits the protection against such attempts, and invites brands to develop competing properties further.

Nike's fan centre in Johannesburg at the 2010 FIFA World Cup, for example, provided the brand with an immense opportunity to leverage their own involvement with many of the nations and athletes represented at the Finals, as well as to drive additional brand awareness and recognition on the back of the event. Nike, having previously constructed heavily publicized and popular fan exhibitions in Atlanta for the 1996 Olympic Games and Paris for the 1998 FIFA World Cup, created a 21-metre tall statue made of 5,500 footballs in Johannesburg's Carlton Centre shopping mall. The exhibition, which also featured a display of each of the Nike-sponsored teams participating in the tournament, was dismantled following the tournament, with all 5,500 balls being given away to visitors of the site. The promotion emerged as one of the most extravagant and talked-about fan zones in Johannesburg around the World Cup

Finals, and offered the brand significant media coverage and fan awareness throughout the month-long tournament.

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(Image: SoccerBible.com, 2010)

**Figure 4.19 – 2010 FIFA World Cup, South Africa
Johannesburg Nike Fan Park**

As part of Nike's "Write the Future" marketing campaign around the 2010 World Cup, the brand set-up a massive indoor display in a Johannesburg shopping centre, featuring a giant footballer made of 5,500 footballs with the brand's highly recognizable silver and orange boots hanging around the display. The indoor fan park below the ball man housed Nike's marketing efforts for the tournament, welcoming guests and promoting the brand's ties to football and the World Cup.

While rights holders have endeavored to limit unofficial fan zones and parks (particularly in terms of restricting unofficial public broadcasts of games or utilizing protected marks or material in their promotions), exhibitions such as Nike's highlight the potential issues facing commercial rights holders in combating the creation and promotion of parallel properties. The growing popularity of "unofficial" fan zones and marketing or branded events and displays at events – particularly where anti-ambush legislation or marketing exclusion zones prevent brands from legally operating within the direct vicinity of events – should be cause for concern for sponsors and rights holders. While the prevalence of parallel property ambushing to date appears limited when compared to more advertising-based, mainstream ambush communications, the

threat posed is nevertheless significant. By operating outside the influence of events, parallel property ambushing offers a tangible opportunity for consumer interaction and engagement similar to experiential ambushing, and affords non-sponsoring brands the opportunity to capitalize on the fan equity around events, while presenting rights holders with little remedy or means of protecting official sponsorship programmes.

4.3.3 – Incidental Ambush Marketing Activities

The third and final category of ambush marketing activities – incidental ambushing – provides perhaps the most interesting perspective of the unique and emerging methods available to ambush marketers around ambushing contemporary sporting events.

The majority of ambush strategies identified here are, to some degree, identifiable measures of connecting the brand to the property, be it through imagery or terminology in the marketing campaigns produced, or in the proximity and media occupied by the advertisers. However, there exist means for non-sponsor brands to derive benefit from major sporting events without such direct or indirect associations; these opportunities have yet to be meaningfully examined in the extant literature on ambush marketing, yet represent an important consideration in the conceptual exploration of ambush marketing.

Defined as the association of a non-sponsoring brand with an event or property, beyond the intentional or apparent establishment of an explicit, implicit, or subjective connection with that property, incidental ambushing poses a unique challenge for both organizers and sponsors. Whereas direct and indirect ambush strategies refer to intentional or obvious attempts on the part of the ambusher to associate with the property, the clutter caused and attention accrued by incidental ambushers complicates the sponsorship environment, potentially diluting the value of sponsorship. Although not as common as direct or indirect ambush activities, a small yet significant number of cases observed in the study can be categorized as incidental ambush activities. Such examples manifest in a number of ways, ranging from the use of an event to launch a new product by a brand (such as Nike's prominent outfitting of footballers at the 2010 FIFA World Cup, *see Figure 4.20/4.21*), to the saturation of available marketing opportunities by a brand in order to leverage the attention and awareness available to

marketers around the property, to the mistaken identification of non-sponsors in sponsorship awareness research.

Fig 4.18, 4.19 have been removed due to third party copyright. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University

(Images: 4.18 - SoccerBible.com, 2010; 4.19 – Michael Steele/Getty Images, 2010)

**Figure 4.20/4.21 – 2010 FIFA World Cup, South Africa
Nike Mercurial Vapor Superfly II World Cup Edition**

Nike, in an effort to capitalize on the opportunity presented by the World Cup, released a new line of football boots and outfitted their stable of endorsees in highly visible orange and purple cleats. “At Nike, we have a relentless focus on product innovation to give athletes a real competitive edge and deliver the best products in the world,” said Andrew Caine, Nike Design Director for Football Footwear. “The Nike Elite Series delivers lightweight and highly engineered boots for the leading players in the world to perform on the biggest stage this summer” (SoccerBible.com, 2010).

Heavy non-event-linked marketing around an event, or the establishment of a legitimate brand presence within the context of a competition (such as supplying equipment or athletic wear for participants), for example, have commonly resulted in brands being identified as ambush marketers, despite no apparent effort on the part of the brand to convey such an association. As one respondent described:

There's a lot of confusion and competition around these events, because so many brands are advertising, and so many brands are already associated with the teams or athletes or broadcasts. And so all of these brands are benefiting from the attention around these events in the minds of consumers.
(S9)

Such efforts, while avoiding the explicit or implicit use of imagery, terminology, or locality of other ambush strategies, present ambushing brands with an opportunity to derive benefit from the property without having secured an official association, and at the liberty of those brands officially invested in the event. Regardless of the intent or motivation of the ambusher, such activities present potential complications for rights holders and sponsors, and as such merit further investigation. Based on the conceptualization of ambush marketing developed here, incidental ambush activities are an emerging concern for event sponsorship, encompassing two fundamental strategies – disassociative ambushing and saturation ambushing – elaborated here.

(ix) *DISASSOCIATIVE Ambushing*

The identification of a brand as an official sponsor – based on previous involvement, strategic positioning, or the efforts of a brand to leverage an existing or anticipated connection with an event – resulting in a perceived association between a brand and a property in the eyes of consumers or the media.

The first incidental ambush type identified, disassociative ambushing, describes the wrongful identification of a non-sponsoring company as having an involvement with an event, affording the brand the same fan equity and awareness benefits as official sponsors. This disassociative type of ambush follows Quester's (1997) observations of mistaken or involuntary ambush marketing in consumer awareness studies involving sport sponsorship, which the author termed 'incidental' ambushing. Quester argued that through the misidentification of sponsors of an event based on a previous or anticipated association with the property, non-sponsor brands can and do accrue many of the same

benefits as official sponsors without having secured an official association with the property, nor having intentionally or visibly implied a connection to the event.

The difference between disassociative ambushing as marketing strategy, and the incidental ambush marketing identified by Quester (1997), is an important one. Within Quester's observations, the potential intent of the ambusher was not considered; instead, the incorrect identification of a non-sponsor as having an association with an event represented a form of involuntary ambush marketing. The brands were assumed to have made no effort to imply or infer an association, and therefore were merely the beneficiaries of consumers' own confusion or inattention. The presumed association by the consumer is not described as intentional or influenced by the ambushing brand, but rather is based on consumer confusion. Importantly, Quester's findings precluded the possibility that non-sponsoring brands might attempt to align with events strategically even without the use of associative or suggestive imagery or terminology, in order to gain the same awareness and attention afforded sponsors.

The possibility for ambush marketing, and the opportunistic capitalization on sponsorship benefits by non-sponsor brands, exists not only through the false identification of a brand by consumers and the media, but also through strategic efforts to capture awareness and associate with the event in an incidental or unaffiliated manner. The misidentification observed by Quester in fact represents only one method for a brand to secure sponsorship benefits through disassociative or non-standard ambush activities. Brands whose marketing efforts may not fall under past definitions of ambush marketing, may nevertheless aim to capitalize on the attention around events through strategic positioning or opportunistic timing. Although the brand's marketing may not feature the explicit references of direct ambush activities, or the suggestive imagery and implicit association of indirect ambushing, disassociative ambushers nevertheless derive many of the same benefits, and therefore represent a concerning development for sponsorship. As one sponsor recounted:

I remember some very early research which I thought was very interesting, which showed that after the 1984 Games they surveyed the American public about asking them if they could name the sponsor in various categories for the Olympics. What was the soft drink sponsor and the film sponsor and... and in the automobile category, there was just no clarity at all, nobody

remembered anything. But in the soft drink category, Pepsi got 22%; Coke got 72% and Pepsi got 22%.

With all the visibility of Coke around an Olympics, how could 22% of people still see Pepsi as a sponsor? So I think the companies began to realize that if they just did a little bit of marketing – these are the ambush companies – that if you did a little bit of marketing, and you made it very focused, a number of people might give you that association with the Games, which is what they were looking for. (S7)

The 2008 Beijing Olympic Games offer perhaps the most prominent and recognizable example of disassociative ambushing in recent years, following the extensive media attention surrounding Speedo's revolutionary and record-setting LZR Racer swimsuits. The brand undertook no notable marketing campaigns around the event, and featured no identifiable imagery or terminology to imply an association with the Olympics or to suggest ambush marketing (*see Figure 4.22*). Little mention was made of the stable of athletes competing in the Games for whom the brand was providing equipments and suits – including gold medal Olympian Michael Phelps – and the company's suits respected the Olympic regulations regarding the size of visible marks and logos. Nevertheless, the brand was consistently mistaken for an official sponsor of the event in sponsorship awareness surveys conducted throughout the event (e.g., Sweeney Sports Report, 2008; Mullman, 2008). Ultimately, Speedo emerged as one of the most identifiable brands at the Games.

However, the attention afforded to Speedo cannot be entirely described as unintentional; the company's release of the LZR Racer was in fact strategically timed in order to maximize exposure around the Olympics, and to allow their athletes the best opportunity to succeed at the Games: the biggest competition and marketing opportunity on the brand's calendar. Such planning and opportunism is in fact common among sportswear and equipment manufacturers, and provides brands a way to draw on the attention around events without exploiting more conventional or controversial ambush marketing campaigns, while still deriving the same benefits of association and awareness sought by sponsors.

Fig 4.22 has been removed due to third party copyright. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University

(Image: Speedo USA, 2008)

**Figure 4.22 – 2008 Beijing Summer Olympic Games
Michael Phelps Speedo Advertisement**

Speedo earned considerable media attention throughout the Beijing Olympic Games as a result of the success of swimmers in their LZR Racer swimsuits, resulting in the brand being falsely identified as a sponsor in a number of studies conducted during and after the Games, leading to accusations of ambush marketing by some in the media.

Likewise, disassociative ambush marketing also emerges as a concern when brands with a previous involvement with a sport or event (such as a past sponsor, or a sponsor of a similar property), are identified by consumers as having an association with a property. While this in and of itself does not represent ambush marketing on the part of the former sponsor, the potential for that brand to leverage their perceived association and represent a connection to the event is a distinct ambush opportunity. Noted one executive, of replacing a long-standing sponsor: *“When we went into the sponsorship, we were well aware of the fact that ‘Brand X’ had just recently pulled out and it wouldn’t take much for them to make people think they’re still the title sponsors, if they activated it correctly, or cleverly”* (S4).

Sponsors of similar or rival properties also pose such a threat, as the stratification of sponsorship into multiple tiers and the proliferation of major and concurrently run events in the same sport present an opportunity for brands to confuse or be wrongly

identified by consumers. Moreover, multiple competitions in the same sport (for example, the UEFA European Championships and the FIFA World Cup) allow for potential confusion and crossover between official sponsors of the two properties, enabling non-sponsor brands to imply an association and derive undue benefit from a property based on an existing involvement with that sport. As one sponsor emphasized, *“‘Brand Y’ has been a long-time sponsor of these events, a good sponsor – and I know even though they have no crossover product line, sometimes we’re concerned that other ‘sponsors’ are getting a high level of visibility”* (S7). While previously such tactics may not have been considered ambush marketing, the ability of non-sponsoring brands to leverage the fan equity and awareness around major events through alternative, unaffiliated means, is undeniable. Disassociative ambushing presents non-sponsor brands with the opportunity to capitalize on the awareness and attention surrounding the property, intentionally or not, and therefore represents a growing challenge to sponsors and rights holders in communicating their relationships and establishing greater clarity in their sponsorship delivery.

(x) SATURATION Ambushing

The strategic increase in the amount of marketing communications around the time of an event by a non-sponsor in order to maximize awareness and capitalize upon the increased consumer attention and fan equity afforded to property-affiliated brands before, during, and after an event broadcast or coverage.

The second incidental ambush strategy and final ambush type identified within the typology is saturation ambushing, or the purchasing or occupation of a substantial volume of advertising opportunities or marketing media around an event by a company not visibly or implicitly associating with that property. Noted one respondent: *“You can create a consumer impression just by buying media in the broadcast of an event – that will often influence consumers to think to that the people who advertise are the official sponsors”* (R6). Securing extensive marketing opportunities around an event (such as broadcast advertising around or during events, pre-game, post-game, and highlight programmes, sports news channels, or partnering networks, or advertising heavily in event-related print publications), affords brands the opportunity to align with a property and to capitalize on the increased awareness around the event, without creating or implying an association. Instead, saturation ambushers utilize the property as a

marketing platform in an effort to accrue additional attention and awareness. As one interviewee described, “*It’s brands having visibility and activity that they normally wouldn’t have on an average night*” (S2).

The identification of saturation ambushing as a unique type of ambush strategy follows the previous classifications of ambushing by Meenaghan (1996) and Crompton (2004). The authors’ proposed categorizations cited brands that secured broadcast sponsorship as a means of legitimately and directly associating with an event in order to ambush a rival’s partnership. While broadcast sponsorship remains a key medium for potential ambush marketing campaigns, such attempts do not reflect specific ambush strategy. Rather, broadcast sponsorship can more aptly be described as coat-tail ambushing; the ambush marketer seeks to establish a legitimate connection with an affiliated or stakeholder property in order to align with the event and imply a more significant involvement with the event than is real, thus potentially confusing consumers and earning some of the same goodwill sought by sponsors. Saturation ambushers, by contrast, establish no direct or indirect association with the event through suggestive imagery or phrasing, or by claiming an official involvement as a broadcast sponsor; they instead capitalize on the heightened attention available to marketers as a result of the event in question through extensive marketing and brand positioning around the property. Such attempts provide the ambusher with many of the same awareness and recognition benefits as official sponsors, without the capital investment owed by corporate partners, or much of the risk and controversy assumed by more traditional ambush marketing campaigns.

Saturation ambushing remains a relatively nascent ambush strategy to date. Few examples of such efforts are readily apparent, due largely to the incidental nature of saturation ambushing and the lack of an associative or directly targeted connection to the event. Nevertheless, as evidenced by the cases observed, saturation ambushing poses a legitimate threat to sponsorship programmes, and represents a valuable ambush strategy for non-sponsoring brands. For example, during the 2010 Vancouver Winter Olympics market research company Global Language Monitor (2010) identified Red Bull and Paramount Pictures’ movie *Shutter Island* as two of the most notable and

visible marketing presences in and around the Games in their Trend Topper Ambush Index, surpassing official sponsors McDonald's, AT&T, and Omega. Both Red Bull and Paramount advertised heavily during the American broadcast of the Olympics, as well as establishing strong brand presences in Vancouver and Whistler, successfully saturating the market and capitalizing on the attention around the Games.

British sports drink Lucozade, too, successfully employed saturation ambushing by marketing heavily around the 2008 Beijing Olympics on a number of terrestrial and satellite networks in the United Kingdom around and during Olympic broadcasts, as well as by advertising heavily in sports-related publications (*Figure 4.23*). Despite making no mention or allusion to the Games, and promoting on networks other than Olympic broadcasters, the significantly increased volume of communications by Lucozade, along with their existing position as a leading performance brand in the United Kingdom, successfully positioned the company as one of the most visible brands around Beijing observed within this study.

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(Image: Visit4Info.com, 2008)

**Figure 4.23 – 2008 Beijing Summer Olympic Games
Lucozade Sport 'Edge' Commercial**

Throughout the 2008 Beijing Olympics, Lucozade aggressively promoted their brand through print and television adverts, above and beyond their standard marketing, prominently featuring athletes and a variety of sports, in line with the Olympics.

Ultimately, saturation ambushing represents a unique opportunity for ambush marketers to benefit from the presence of an event, with little threat of recourse or contention. For sponsors and rights holders, it is also one of the most difficult types of ambushing to identify and protect against. Unlike more traditional or overt examples of ambush strategy, by avoiding the use of event-related images, marks or phrases, saturation ambushers succeed in capitalizing on an event's fan equity based on strategic positioning and message volume, rather than by implicit reference. Despite the best efforts of rights holders to police broadcast advertising and outdoor marketing media around major events, even the most powerful event organizers struggle to establish ownership of all such marketing opportunities around their events. Argued one respondent:

[Rights holders] have to find out what might be attractive and go ahead and control as much of the billboard advertising and television commercial inventory and radio commercial inventory... as [they] can, to eliminate backdoor ways for other 'sponsors' to get in. (S7)

Unfortunately, the proliferation of marketing opportunities around major events – through official broadcasters, print media, radio programming, digital and online marketing space – has multiplied the opportunities and potential communications media available to ambushers. As such, the potential for non-sponsors to establish a significant branded presence around an event and clutter the sponsorship environment represents a growing problem for major events, and an emergent theme in ambush marketing strategy.

4.3.4 – The Evolution of Ambush Marketing

The development of a typology of ambush strategy represents a modernization of previous categorization attempts and signifies a new direction in ambush marketing research. While previous studies identified common tactics or media employed in past ambush attempts, and raised awareness of the potential challenges posed to official sponsorship (Meenaghan 1994; Crompton, 2004b), the continued confusion as to what constitutes ambush marketing and how best to address the threat to sponsorship has emphasized a need for greater investigation. This study provides a unique perspective on the myriad opportunities and strategies available to non-sponsoring brands in associating with sports properties, and offers and improved understanding of the

strategies employed and approaches taken in contemporary ambush communications. The examination of ambush marketing from a theoretical and conceptual perspective therefore provides a valuable insight into the changes experienced in sponsorship and ambush communications, and the emerging role played by ambush marketing as a marketing communications strategy.

A distinct evolution in ambush marketing's nature and role in sport marketing is evident in exploring this typology; whereas early considerations of ambush marketing centered on aggressive, parasitic, predatory campaigns by the direct rivals of official sponsors, contemporary ambush marketing has taken a decided turn towards more indirect, implicit marketing strategies designed capitalize on the marketing value of sporting events. Cases from the 1980s through to the mid-1990s reflect a clearer and better-defined competitive relationship between ambusher and ambushee than contemporary examples. More recent examples, perhaps in line with the dramatic increase in sponsorship value over time, espouse a more indirect, opportunistic approach, and present a more accurate definition of contemporary ambush marketing practices. The evolution of the objectives and ambitions of ambush marketers has encouraged non-sponsoring brands to employ new and unique marketing opportunities, and has advanced a progressive development of ambush marketing as a marketing communications alternative.

The emergence of relatively new and unexplored ambush tactics, such as peripheral ambushing and saturation ambushing, re-affirms the value associated with major sporting events, and the potential benefits sought by organizations recognizing this worth. Brands have placed greater emphasis on deriving benefit and value from a presumed association with an event, rather than simply seeking to attack a rival's sponsorship and negatively impact on a sponsor's returns. While in some cases this remains a key focus, the strategies identified point away from intentional confusion and distraction, towards a broader, more opportunistic and benefit-driven perspective of ambushing. As such, it is important to understand the potential impact, and managerial implications of ambush marketing within this new conceptualization, and to further examine the challenges faced by official rights programmes.

Finally, the ambush types identified and explored within this typology illustrate the significant challenges continuing to face sponsors and rights holders in addressing the threat posed by ambush marketing. The varied methods employed by ambushers, and the evolution in approach witnessed over the course of the past thirty years, exemplifies a creativity and adaptability that defines contemporary ambush marketing. Ambush marketers have increasingly uncovered new and innovative ways of circumventing the rights protection and counter-ambush marketing programmes enacted by major events, by extending marketing activities beyond marketing exclusion zones, adopting more associative, subversive imagery and terminology in avoiding rights infringement, and capitalizing on the myriad of opportunities available to non-sponsors in leveraging against the increased value of sporting events. This evolution has emphasized the need for greater research into the protection of sponsors, and inspired an in-depth exploration into the managerial implications of ambush marketing for sport sponsorship and the changes experienced in sponsorship management as a result of ambush marketing.

4.4 – Examining Ambush Marketing’s Impact on Sponsorship Management

Ambush marketing’s presence as a strategic form of marketing communications carries with it a significant impact on the management, sophistication, and professionalism of sport sponsorship. As noted in the sponsorship and ambush marketing literatures, sponsorship’s development over the course of the past thirty years has coincided directly with the emergence of ambush marketing at the 1984 Los Angeles Olympics. The creation of category exclusivity, and the combination of assets and rights into distinct, differentiated sponsorship packages and inspired an increasingly commercialized perspective of sports properties. However, these developments also encouraged brands outside the official sponsorship family to seek alternative means of associating with events. Noted one executive with close ties to the Games: *“In the aftermath of the ‘84 Olympics, events were totally different than they had been before, because the corporate model and bringing sponsors in to help underwrite games, was dramatically increased after 1984”* (S7). This growth of sponsorship practices has been well documented: an acknowledgement of its continued sophistication and improved recognition and respectability as a communications tool (Crimmins & Horn, 1996; Meenaghan, 1998b; Cornwell & Maignan, 1998; Walliser, 2003; Olkkonen et al., 2000).

Unfortunately, however, there exists a continued lack of investigation into the managerial effects of ambush marketing on sport sponsors. While considerable scholarly attention has been given to the protection of sponsors and sponsorship programmes and to the potential success or viability of those counter-ambush measures available to commercial rights holders (Townley et al., 1998; Farrelly et al., 2005; McKelvey & Grady, 2008; Burton & Chadwick, 2009), the impact of ambushing on sponsorship management has yet to be examined. As evidenced by the varied and diverse strategies available to ambush marketers, contemporary ambush communications have evolved beyond the previously suggested illegitimate, parasitic form of ambushing which existing rights protection activities have sought to address. The defense against ambush marketing has become an increasingly important consideration in sponsorship negotiation and activation, and more proactive measures have been enacted in order to address the continued threat posed by ambushing and better to protect the investments made by corporate partners. These changes have necessitated an enhanced role on the part of sponsors in the defense against ambushing.

This study endeavors to address the lack of examination into ambush marketing's managerial effects and explore the changes experienced in sponsorship management as a result of ambush marketing. Drawing on the conceptualization of ambush marketing developed, a number of key managerial concerns and concepts have been identified within the expert interviews which expand upon the preliminary findings of Phases I and II and provide renewed insight into the management outcomes for sponsors as a result of ambushing. The analytical approach adopted to examine ambushing's managerial effects follows the same methodology applied to construct the ambush marketing typology, encompassing both the coding and exploration of the in-depth interview data collected, and the integration of the study's preliminary results and findings within the analysis. Throughout, a distinct adaptation in the management strategies taken by sponsors in response to ambush marketing is evident, highlighting key concepts observed in the interview data, and illustrating an important new direction in ambush marketing and sponsorship research.

Five core managerial implications have been identified, which elaborate on the results of Phases I and II and afford a more in-depth perspective of ambush marketing's impact on sport sponsorship. These include: (i) the management of sponsors' own internal practices, including the strategic awareness and decision-making behind sponsorship engagement; (ii) the management of sponsors' legal, contractual, and legislative involvement; (iii) the management of sponsors' ambush protection activities and their preparation for rights protection programmes; (iv) the management of sponsorship-linked marketing activities to maximize the value and activation of sponsorship and prevent potential ambush marketing opportunities; and (v) the development of relationship and partnership management between sponsorship parties, and the collaborative management efforts that underlie sponsorship programmes and contemporary sponsorship management. These provide a conceptual investigation sponsorship management, and reveal an increasingly proactive approach on the part of sponsors in preparing for and addressing the challenges posed by ambush marketers. Based on these core concepts, a model has been created to illustrate the managerial implications of ambushing for sport sponsorship.

Unlike more prescriptive or empirical management plans for sport sponsors, the model proposed here is intended to examine the managerial implications of ambush marketing from a conceptual perspective, rather than advocate a single, encompassing approach to the defense against ambush marketing. Sponsorship is a largely subjective and individual practice, and must be managed accordingly: every sponsor, and every sponsorship opportunity, is faced with specific challenges and opportunities, both internal and external to the sponsor, which must be accounted for. The concepts developed therefore seek to examine ambush marketing's influence on sponsorship as an industry and to provide preliminary insight into the implications and effects ambush marketing has had on sponsorship. The resultant model explores the development of sponsorship management practices as a result of the emergence of ambush marketing, and signifies a new direction in sport sponsorship relations towards a more collective and collaborative approach to sponsorship protection.

(i) Strategic Management

The first and broadest category of management identified within the data is the advancement of sponsors' own internal practices, adopting a more strategic and deliberate approach to sponsorship management. As a result of the increased professionalism and sophistication with which sponsorship is managed, sponsors have increasingly required greater preparation, planning, awareness, and strategy in their practices. Concepts identified by respondents – including objective setting, decision-making, adaptation, awareness, and communication – have emerged as paramount to the success of event sponsorship in defending against ambush marketing, and as integral components of sponsors' organizational management. While sponsorship has taken great strides towards improved internal organizational management, the current sponsorship industry – and specifically, the nature and presence of ambush marketing – necessitates a more focused, measured, and considered process on the part of sponsors:

We're preparing and planning for our sponsorships three, four, five years out. We've got a strategy and we know what we want to achieve and have the process in place and the marketing starting three years before the Games. I don't think you'll find many of our competitors, many brands looking to ambush, who are thinking and planning like that. (S8)

The development of ambush marketing and the emerging threat posed to sponsorship has forced brands to consider sponsorship opportunities more critically, and to evaluate potential relationships to a greater degree than ever before. Sponsors must be more thoughtful and calculated in the properties they sponsor, and the campaigns they create to leverage that association. The decision-making process underlying sponsorship, and the aims and objectives set by brands in partnering events, have previously been identified as key limitations in the development and growth of sponsorship (Thwaites, 1995; Chadwick & Thwaites, 2005). The lack of measurable aims set by sponsors, and the ad hoc, typically myopic decision-making process taken by sponsors in selecting properties, has restricted the ability of brands to capitalize on the value of their associations, and further opened the opportunity to ambush marketers (Thwaites, 1995; Walliser, 2003). Without measurable aims and objectives, it is impossible to ascertain the impact of ambush marketing:

[The] impact and effectiveness of ambushing is largely dependent on the aims and objectives and stature of the sponsor. Ambushing may yield brand awareness, and potentially drives sales, but major sponsorship for top tier

sponsors or brands should be about more than building awareness or sales. It should be bigger, broader than that - communicating and establishing brand identity, driving and reaffirming broader corporate aims and initiatives, adding value or benefit within the organization. (S8)

The aims set by sponsors prior to entering into a sponsorship, and the strategic thinking necessary in selecting an event to partner, have significant bearing on the success of a sponsorship agreement, as well as on the partners' ability to protect against ambush marketing. Although the objectives or intentions of sponsors and ambushers alike have long been debated within the academic literature, brands must be strategic in selecting and organizing sponsorship activities, and activate their partnerships accordingly. Significant differences exist between sponsorship agreements designed to increase awareness or market share and those directed at increasing brand communication and public relations (Gwinner & Eaton, 1999; Walliser, 2003). Argued one respondent: *"Sponsorship is more about communicating our brand identity; it's not sales driven, it's about PR, about changing and communicating our image and values"* (S8). Brands should seek to engage with properties based on the perceived fit between parties, and the potential returns that result from that partnership. The perceived fit, or relation between brand values and attributes between sponsor and sponsee, is invaluable in communicating the sponsorship relationship and establishing a meaningful and valuable link between brand and property in consumers' minds.

Likewise, the timing and scale of a sponsorship should guide the decision-making process. While many brands continue to employ sponsorship as a predominantly short-term, tactical marketing activity (Chadwick & Thwaites, 2004, 2005), contemporary sponsorship should be a strategic consideration, and must continue to develop in both planning and long-term forecasting in order to further advance sponsorship practices and more effectively leverage sponsorship associations. Said one sponsor: *"It's definitely a strategic approach when entering into a new partnership; you look for the long-term, because you want to build a relationship. If you just jump in and out... you won't have the strength behind it"* (S10). Short-term, less strategically-prepared sponsorships provide considerably less benefit to brands than long-term, established partnerships, as well as presenting ambush marketers with increased opportunities to create a brand presence and capture the attention of spectators and consumers.

Finally, sponsors must be aware of the potential opportunities open to ambush marketers, and of the environmental changes experienced in sport sponsorship which has given rise to ambush marketing. Sponsoring brands must actively and assertively monitor and understand the event marketing landscape in selecting, designing, and activating their sponsorships, and be more aware of the role and nature of ambush marketing. Respondents overwhelmingly emphasized the need for a greater consciousness of ambush marketing opportunities and threats, and further preparation on the part of sponsors to confront the challenges presented by diligently monitoring the marketplace and assuming greater control over the event marketing landscape: *“You’re conscious of the fact that somebody might want to take advantage. You’re always aware of that fact, and keep a close eye. But we concentrate on what we want to do with the particular property, and execute accordingly”* (S1). Major sponsors should not be surprised by the competition posed by ambush marketers, nor should they be indignant that other brands seek to benefit from a property they believe to be of value. Sponsors should be aware of ambush marketers, the opportunities available to them, and their objectives in undertaking such strategies, and as such work to limit the potential impact of ambush marketing on their partnership:

As was pretty obvious with the [2010] World Cup, a lot of the noise happened for all sports brands within the digital landscape, and so, from a management perspective it is something that needs to come into perspective on planning for executing a campaign, because of the different timelines... What you can do, you can do more reactive stuff. So, I think this is a major change. (S10)

As the marketing environment around sponsorship evolves, and new and complex opportunities and threats emerge, it is imperative that sponsors prepare and act dynamically and proactively, establishing ownership of the sponsorship landscape, and accounting for possible ambush marketing of the event. Despite the challenges posed by ambush marketing and the continued evolution witnessed in ambush strategy, the advantage remains with sponsors in planning, preparing, and managing for major events for which they own official rights:

If sponsors do their job, capitalize on the opportunities in front of them, and communicate appropriately and productively with their consumers and the market, it shouldn’t be an issue. We plan for it. We’re aware of it. In fact we expect it.

If they're impacting our sponsorship, it's because we're not doing enough. But we expect to be the top, and we feel that if we're doing enough, and communicating our objectives and our association effectively, then it's for other brands to worry about.

Without wanting to sound arrogant, we expect to be better. We know that if we do our job, and maximize the opportunities and the rights we've paid for, then it won't be an issue. And it isn't. (S8)

(ii) Legal Management

Furthermore, it appears based on the interview data collected and case examples analyzed that sponsorship has adopted a greater focus on the legal and contractual challenges facing sponsors and right holders. The continued growth of the sponsorship industry, as well as the proliferation and development of ambush marketing as a form of marketing communications, has encouraged a progression in the management of sponsors' legal, contractual, and legislative activities, both in terms of securing and developing sponsorship agreements, and in protecting sponsorship partners. Sponsors have accepted greater responsibility in protecting their own investments, and in so doing have acknowledged the potential opportunities and challenges posed by ambush marketers:

[Ambush marketing] is always going to be a dynamic that's part of the equation. We're always going to want to protect our rights, as well as make the most of the situations where we're not the official sponsor. And we would expect that competitors would do the same.

And it's just going to be an on-going process of everybody trying to protect their rights as best they can. That's why we have a lot of attorneys. (S5)

The legal implications of ambushing have historically fallen on commercial rights holders, who have been charged with enforcing intellectual property rights and securing legislative protection for events (Vassallo et al., 2005; McKelvey, 2006). For many brands, this remains a common perspective:

The extent of what our enforcement stance would be: working with our partner, who are the ones with the rights. The people who manage the rights are the guarantors of those rights, so all we can do is put them on notice of where we think that our rights have been violated. (S5)

However, such an approach represents an outdated expectation of sponsorship protection. The evolution of ambush marketing towards more indirect, and surreptitious efforts has highlighted the need for sponsors to not rely solely on the protection

provided by legislation and legal action taken on the part of rights holders. While major sponsors have already undergone a pronounced shift in their sponsorship practices as they adapt to the changing contractual and legislative concerns raised by sponsorship's evolution, there remains considerable need for advancement in the management of sponsors' own legal practices and sponsorship dealings.

These changes are immediately apparent in the terminology and complexity of sponsorship contracts. Whereas previously, rights protection, legislation, and the onus of ambush protection were often implied, but not included within standard event sponsorship contracts, the growing sophistication of sponsorship contracts and the increased awareness of ambush marketing has encouraged greater consideration and representation of ambush marketing protection within sponsorship contracts, and greater definition in the contractual terms of the sponsorship. The rights, obligations, responsibilities, and expectations of sponsorship parties have undergone a significant and important evolution; contemporary agreements contain extensive, specific stipulations and responsibilities governing the event's rights protection activities, as well as detailing the allowances and rights of sponsors in activating their partnership. Noted one interviewee, "*The rights that you're acquiring are now better defined than they've ever been*" (S1). This advancement in sponsorship contracts evidences a more relational paradigm in sponsorship thought (Olkkonen et al., 2000; Thompson, 2005; Chadwick & Thwaites, 2005) that necessitates sponsors and rights holders to work together and collaborate in defending against ambush marketing:

[Sponsorships have] always been partnerships, but I think now there's an expectation of partners that [rights holders] will defend them – in fact the contracts we've drafted have a number of pages of language about how [rights holders] agree to vigorously defend at their expense some of the/any intrusions. It's changed to require some very specific language in agreements with regard to protecting against ambush marketing. (S7)

Moreover, the increased contractual sophistication of sponsorship agreements has extended into new and previously unaccounted for media and marketing opportunities. The proliferation of official marketing opportunities associated with major events has necessitated that brands take a more proactive, informed approach to sponsorship defense and contractual relations, in order to adapt to the changes in the sponsorship

environment, and to maintaining an awareness of new potential opportunities for sponsorship-linked or ambush marketing.

I think, especially with the advent of new media, and different ways to promote brands, it's I'm sure going to be an on-going struggle and challenge to make sure that the rights are carved out in enforceable ways that justify the values that brands spend for the privilege of being called the official sponsor. (S5)

Respondents emphasized the need for sponsors to assume greater contractual control over the event marketing landscape as a means of preventing against potential ambush marketing and maximizing the value of sponsorship agreements. Given the advances experienced in sport marketing, the development of new media, and the emphasis placed on sponsors more effectively and proactively communicating their associations through sponsorship-linked marketing, it is imperative that sponsoring brands assume greater control over the event marketing environment, and possess a greater awareness and contractual ownership of the marketing opportunities surrounding events:

Contracts drawn up, for example, for the South Africa World Cup were signed a long time beforehand... the digital landscape has changed dramatically since then. People didn't know what apps were, and you know, all of the different platforms you could utilize, so having the flexibility to make sure you're getting maximum benefit from new forms of opportunity that come up. (S3)

Furthermore, brands must be aware of the regulations and restrictions governing their own leveraging and activation activities around events, and the guidelines in place preventing brands from extending their associations beyond the stipulations of their contractual agreement. The increased opportunities for event-linked marketing and the complexity of the sponsorship environment have complicated rights protection for events and sponsors alike (Séguin & O'Reilly, 2008). The regulation of event marketing and sponsorship allowances has evolved in response to the new and growing opportunities available to sponsors, as well as the presence and continued development of ambush marketing strategies around major properties: *"People are protecting the rights far better than they ever have done in the past – the litigation and the protection of the rights has sort of grown with the – equally the amount of ambush marketing that has gone on"* (S1). As such, sponsors must be aware of their own allowances and the

legal and legislative environment around an event which may implicate them or their competitors in leveraging the property:

We're always trying to keep an eye on what other sponsors are doing, whether those are legitimate sponsors that are activating on our own properties and making sure that they don't come into our space. So we do spend a certain amount of time doing rights policing, and making sure that nobody is stepping on our toes. (S4)

This awareness and preparation also extends to the international management of sponsorship, given that major events and sports marketing have globalized both in scale and appeal. The internationalization of sport sponsorship has required brands to engage regularly within the international legal sphere, necessitating both an internal understanding of the legal framework and contractual considerations inherent within contemporary sponsorship deals, and the employment and management of external agents in event host countries and target markets. While rights holders and local authorities (where legislation has been enacted) are aware of ambush marketing and monitor potential campaigns, individual sponsors must be alert to the immediate threat posed by non-sponsors, the rights and existing partnerships owned by potential ambushers, and the counter-ambush measures available to official event sponsors:

Our legal team do consider where the competitor is – in the sense of 'Is it going to, is there/will there be a negative impact on our sponsorships?' In some cases, if they are going to be present because it's a clubhouse, players that are wearing their boots, we also have to be conscious of the rights of those competitors. Legal plays a big role within any brand, with respect to rights protection. And simultaneously, on the other side, with those rights holders. (S10)

The sophistication of sponsorship, the emergence and continued development of ambush marketing, and the growing protective infrastructure underpinning sponsorship relations, all require brands to manage their sponsorship activities and relations in a dynamic and progressive manner, communicating regularly and openly with associated parties, and adapting and refining internal relations and expectations accordingly. Contemporary sponsorship agreements implicate a number of stakeholders, both internal to the sponsoring brand (such as marketing departments, operational teams, and legal specialists) and external (including sports governing bodies, broadcasters,

and governmental institutions). In describing their own sponsorship activities, one respondent explained:

I just got an email this week where the IOC is sending out some guidelines to sponsors that are participating as we lead up the Olympic Games, and we obviously have to then provide that information to our product teams – if there's a change to logo exposure, or change to how we can promote our athletes, then we obviously have to have our product and our marketing teams put on notice with respect to any changes to those guidelines. (S5)

Effectively managing these relationships, and communicating across the various levels and platforms necessary to deliver sponsorship agreements, is integral to the successful management of sponsorship.

Ultimately, the growth of ambush marketing and the continued professionalization of sponsorship has necessitated a significant advancement in the legal management of sport sponsors. Sponsors must assume greater responsibility for the protection against ambush marketing and the promotion of their own association, and to rely less on the rights protection offered by rights holders and event organizers. Although the existing legislative and legal framework enacted by rights holders provides events with specific protection against rights infringement ambushing, the measures in place do little to protect against more subversive, indirect campaigns. Securing greater protection through more exhaustive, extensive contracts, and adopting a greater awareness of the marketing and legal environment around events, would present sponsors with a considerably strengthened defense against ambush marketing.

(iii) Protection Management

The third key management construct identified in the interview data is the management of, and defense against, the counter-ambush activities of official rights programmes. While the legislation and legal management by rights holders have become key components in the protection of sponsorship rights, most ambush strategies identified here (such as associative ambushing or saturation ambushing) fall outside the parameters set by ambush legislation by avoiding the use of protected marks and operating outside the sphere of control around major events and host stadia. The measures taken by rights holders and event organizers to prevent ambushing have therefore extended beyond the traditional intellectual property rights regulations

afforded to major events in an effort to restrict the activities of more creative or indirect ambushers. However, the rights protection activities employed and legislation enacted have proven highly contentious in recent years. Studies have previously suggested that consumers are indifferent towards ambush marketing; this attitude undermines the ethical concerns traditionally emphasized by major rights holders in combating ambush campaigns (Shani & Sandler, 1998; Crompton, 2004b). Indeed, the counter-ambush efforts of organizers and rights owners have earned considerable media attention and public resistance due to the perceived draconian nature of the restrictions enacted by commercial rights holders and host governments.

In restricting local trade around events and infringing on the civil liberties of spectators engaged in ambush marketing campaigns, the defense against ambush marketing has over-stepped its reach in the eyes of many consumers and sponsors, and may potentially compromise the goodwill and fan equity afforded to official partners:

We absolutely expect rights holders to protect us, and genuinely feel they do; but we must be aware and conscious of over-protection, and the PR around sponsorship and rights protection. You have to be mindful and strategic in the way you defend against and work to protect against ambush marketing.

Take the Bavaria case from this summer. In a lot of ways, there were two winners there, and a clear loser. Budweiser got more attention and recognition than they would have, Bavaria got the attention they wanted, so both won really. But FIFA, in taking such strong action, lost. They came across as heavy-handed and overly defensive, and paid the price. I think you definitely have to be mindful of the public relations around sponsorship and around that sort of thing, as public opinion is integral to the success of sponsorship. (S8)

The controversy surrounding ambush marketing prevention has forced sponsors to protect against the potential negative effects of rights holders' counter-ambush efforts, and to better manage their public relations around sponsorship and ambush marketing protection.

Respondents indicated that managing for the protection programmes of events requires brands to be aware of the public relations effect ambush marketing and the defense against ambush strategies can have on sponsors, and to prepare and react accordingly. As evidenced by the public outcry and unprecedented media coverage given to FIFA's

action against Bavaria in 2010, the moral or ethical questions surrounding ambush marketing now centre on the increasingly over-zealous defense against ambushing. Concerns over the infringement of civil liberties and the restriction of trade and local business as a result of anti-ambush legislation and stringent rights protection have resulted in the ethical debate around ambush marketing moving away from ambushers and onto the rights holders and host governments who enact and enforce ambush legislation. It is crucial that sponsors recognize the importance of public relations in approaching ambush protection, and react positively and proactively to the challenge. As one executive argued:

It seems to me that there are ways that you can deal with [ambush marketing] that perhaps would be smarter than the way perhaps FIFA dealt with it. Certainly... from a sponsoring brand point of view, I can understand that it is frustrating if you've paid 'X' million dollars or whatever it might be to be formal sponsor of the World Cup or whatever it might be, that you then see somebody riding on your coat-tails for a tenth or a hundredth of the price, and getting some really good publicity off the back of it.

[But] as a consumer of the World Cup, I thought that the response was humorless and, you know, unnecessarily harsh, really... I'd hope that we could find a way to respond to anything... that happened in the ambush marketing space, in a way that helped us win the battle, without referencing the lawyers. (S11)

The added consumer and media awareness surrounding ambush marketing, and the disinterest voiced by consumers regarding the alleged illegitimacy or negative impact of ambushing on sponsorship, necessitates that sponsors communicate effectively with the public and demonstrate an awareness of the potential alienation of consumers as a result of ambush protection efforts. Strict rights protection programmes that attack local business or infringe upon spectators' and consumers' rights have been met with strong opposition in cities like London and Vancouver, highlighting the potential dangers of overly aggressive rights defenses.

Furthermore, official sponsors must assume greater responsibility for the protection against ambush marketing, and become better aware of and prepared for potential challenges that are unaccounted for under event rights protection programmes. While the existing reactive sponsorship protection strategies provide a foundation upon which to build, the limited success enjoyed by reactive, ex post facto counter-ambush

measures as noted in the study's preliminary phases, has emphasized a need for sponsors to establish greater control of the event marketing landscape, and to better manage the ambush defense measures employed. It is important that sponsors become proactive in their protection activities, and better anticipate potential ambush opportunities (Burton & Chadwick, 2009). The official relationship held by sponsors, and the possibility for greater involvement and embeddedness with an event, affords the brand an opportunity for greater engagement and interaction with spectators and organizers than any ambush marketing strategy (Meenaghan, 2001b; Davies et al., 2006; Séguin & O'Reilly, 2008). Communicating that association effectively should be of paramount importance, above and beyond any concerns regarding ambush marketing. Such proactivity and heightened awareness of the benefits of communication and protection management afford sponsors greater control over the marketing environment, and restricts the access and activities of ambush marketers.

Ultimately, given the increasingly varied and innovative strategies being employed by ambush marketers, and the limited success reactive counter-ambush tactics like legislation or legal action have enjoyed, ambush marketers will continue to seek means of leveraging their brands against the value of major events. Sponsors and rights holders must adopt a more proactive, positive response to ambush marketers, and work in tandem with the legislative protection in place as a means of limiting the impact of ambush campaigns and create added benefit for their sponsorship. In taking a more measured, thoughtful approach, sponsors and rights holders have an opportunity to better respond to ambush campaigns than past efforts; noted one sponsor: *"I think there are ways to – not necessarily rise above it, but meet the challenge of ambush marketing and do that in a smart way, that sort of acknowledges that perhaps having some girls dancing around in a stadium was – perhaps, smart thinking"* (S11).

Managing for the protection activities of rights holders, and proactively controlling the landscape around events, affords sponsors a way to establish ownership of the marketing environment around events, and to limit the potential effectiveness of ambush marketing. Despite the best efforts of rights holders and event organizers, ambush marketing cannot and will not be fully removed from the event marketing

environment. Ambushing has demonstrated an undeniable complexity and adaptability in response to past counter-ambush techniques, and continues to exemplify a dynamism and creativity previously unexplored. However, given the importance of sponsorship to contemporary sport marketing, accounting for the protection programmes of events and maximizing the value of both sponsorship and improving sponsorship protection programmes presents an increasingly valuable and important area of sponsorship management.

(iv) Sponsorship-Linked Marketing Management

The fourth management consideration identified relates directly to sponsors' own leveraging and activation activities, assuming a stronger and more strategic approach to sponsorship-linked marketing. As one interview participant explained, "*The more identity that a company has at an event and can make their own sponsorship; the harder it is for an ambusher to get much value*" (S7). By establishing ownership over the event marketing landscape, and proactively managing for the challenges posed by ambush marketing, sponsors have an opportunity to communicate more effectively and clearly with consumers and spectators, in order to maximize the value of their sponsorship and better protect against the potential effects of ambush marketing (Meenaghan, 1994, 1996; Farrelly et al., 2005). Respondents repeatedly emphasized the need for sponsors to leverage their associations and activate their sponsorships more effectively and proactively. Unfortunately, in the current sponsorship environment ambush marketers appear to be more dynamic and aggressive in establishing ownership of potential marketing platforms and opportunities around major events or properties, a trend that has encouraged greater ambush activities and promoted the continued evolution of ambushing as a marketing communications strategy.

Nevertheless, targeted sponsorship-linked marketing provides a potentially valuable means of preventing potential ambush marketing, while simultaneously growing a sponsor's own presence and sponsorship value. Based on the typology developed, ambush marketing has evolved in response to the counter-ambush measures in place around major events, adopting new marketing strategies and identifying new opportunities. Increasingly associative campaigns that circumvent the legislation and

legal action protecting intellectual property rights and the extension of peripheral and experiential ambushing beyond the scope of marketing exclusion zones and event-controlled advertising media underline a progressive response to counter-ambush measures on behalf of ambushers. Sponsorship-linked marketing and the strategic activation of the assets and rights secured by the sponsor therefore afford brands the opportunity to establish ownership over the various media and opportunities available, and prevent ambush marketers from assuming control of the marketing landscape outside the constraints governing sponsorship. Noted one respondent:

[Ambush marketing] does force you to think about spreading your assets, and making sure that they're working as hard for you as they can, so that you don't give people the chance to get into the space that you should be in. It puts the pressure on sponsors to make sure that they're activating wisely, and smartly. (S4)

Unfortunately for sponsors, as evidenced by the emergence of internal ambush activities such as rights extension and coat-tail ambushing (which leverage official associations in ambushing an event or property), the activation activities of official sponsors are governed by strict guidelines and contractual restrictions that limit the potential sponsorship-linked marketing of brands. While official sponsorship guarantees brands a certain degree of access and authority in marketing in association with a property, strict guidelines govern activation campaigns, and limit the media and scale of leveraging efforts. The IOC, for example, operate 'clean', marketing-free event sites for their events, ensuring that no brands – sponsors or ambush marketers – have access to marketing media within host sites. Although such regulations protect against potential experiential ambush campaigns within the event premises and reaffirm the Olympic amateur sport philosophy, clean venues equally present challenge for sponsors in communicating their association with the event: *"If you were to ask consumers who are the partners of the Olympics, maybe it's not as cut and dry as if you were to do that at the World Cup. Because when you're on TV, you're not seeing those sponsors as often"* (S10). By contrast, FIFA World Cup sponsors benefit from extensive in-stadium and broadcast advertising, including signage surrounding the pitch and in-game brand presence and visibility.

Regulations such as the IOC's clean venue policy reinforce the need for brands and rights owners to work together in identifying and creating marketing opportunities for sponsors, and to better communicate that association to consumers, in order to maximize the value of that sponsorship. This, in turn, has further promoted the relational nature of sponsorship, and encouraged rights holders to take a more active role in the activation of their sponsors: “[*The threat of ambush marketing*] has made events more vigilant in getting exposure for their sponsors, at the earliest and most aggressive times, to counteract any potential ambush activities” (S7). The relationship between sponsor and rights holder, and involvement on the part of events in promoting and communicating sponsors' involvement, is an important step in better combating ambush marketing through sponsorship-linked marketing.



(Image: © Nicholas Burton, 2009)

**Figure 4.24 – 2012 London Summer Olympic Games
EDF Energy London 2012 Sponsorship Campaign**

As part of their sponsorship-linked marketing around their partnership with the 2012 London Olympics, British energy company EDF Energy created a 'Team Green Britain' campaign, promoting EDF in tandem with the upcoming Games as environmentally friendly and sport- and community-focused.

EDF Energy's activation around their sponsorship of the London 2012 Olympics, for example, exemplifies the innovation, creativity, and strategy required of sponsors to better promote their associations with events. EDF, a British utilities company, created

their ‘Team Green Britain’ campaign four years ahead of the London Games in order to immediately begin leveraging their investment with the Olympics and to maximize the value of their association with the Games (*Figure 4.24*). The campaign represented one of the most creative and ambitious sponsorship-linked marketing efforts around London 2012, establishing a link between the brand and British sport and promoting the brand’s environmentally friendly initiatives across the country. The activation was one of the earliest and most extensive undertaken by sponsors of the 2012 Games, establishing ownership over the London Games market for EDF, and creating an initial and prolonged presence in consumers’ minds associating the brand to the event, and thereby limiting the potential impact or influence of would-be ambush marketers.

Ultimately, the value of sponsorship and the aim of sponsorship-linked marketing campaigns is not in keeping competitors or potential ambush marketers out of the event landscape, but rather to communicate and engage with a brand’s target market. While increased and more strategic sponsorship-linked marketing around a property serves to block-out potential ambush marketers, and to limit the potential influence or impact of ambush campaigns, the objective behind such activation should not be to prevent ambush marketing, but instead to create and reaffirm a brand’s own association with an event, and to maximize the benefits and returns of that affiliation:

Some sponsors really overemphasize exclusivity and keeping all their competitors miles away. I think if you’ve done a good job sponsoring, and you utilize sponsorship in an appropriate way, that it should be clear that you’re the sponsors, and you are getting value from the demographics of the event, and sponsoring it and showcasing to people that you are the sponsor. (S7)

Inherent to such efforts on the part of sponsors, however, is the awareness and adaptability of an organization’s sponsorship activities; these underline an interconnectedness and interdependence between the concepts identified across a sponsor’s management efforts, and the need for brands to operate strategically and consistently when engaging in and activating event sponsorship. By developing strong, innovative, effective communications around an event, sponsors can establish ownership over the marketing environment and limit the ability of ambush marketers to create a leverageable association with the event. Put succinctly: “*If sponsors do their*

job, capitalize on the opportunities in front of them, and communicate appropriately and productively with their consumers and the market, [ambush marketing] shouldn't be an issue" (S8).

(v) Strategic Relationship Management

The greater involvement of sponsors in rights protection and sponsorship protection activities noted by respondents emphasizes the need for a greater assumption of responsibility on the part of sponsors. Within this perspective, however, it is equally clear that there is an increasing need for sponsors to embrace a more relational approach to sponsorship management, and to work more closely and positively with rights holders and event organizers in order to maximize the effectiveness and value of the partnership. Respondents indicated a need for a more strategic approach to sponsorship agreements and relations that requires greater awareness, adaptation, communication, and critical analysis on the part of sponsors, as well as a greater appreciation of sponsors' individual and collective aims and objectives in partnering a property. While sponsors and rights holders have long argued that sponsorship agreements represent a valuable and structured relationship, past research has highlighted a considerable disparity between sponsors' perspectives and actions, with most sponsorship partnerships typifying a more commercial, transactional approach to sponsor relations (Olkkonen et al., 2000; Chadwick & Thwaites, 2005). Although sponsorship has continued to grow and evolve as a relationship in practice, the threat posed by ambush marketing once again reiterates the need for greater relationship management and strategy on the part of sponsors.

The importance of this relationship development was reiterated throughout the interviews; as one sponsor explained: *"As a rights holder, and a brand activating – if you've got a strong relationship, and you work to capitalize upon all of these different opportunities, then that's how you're going to derive the most benefit"* (S3). Both sponsor and rights holder must be aware and considerate of each party's brand image and identity, as well as their objectives in undertaking the sponsorship when evaluating the potential benefits and weaknesses of a sponsorship's relationship. The stronger the perceived fit between sponsor and sponsee, and the more strategic the relationship

between partners, the more difficult it is for ambushers to impact or influence that sponsor's association, and the more valuable the relationship will be for both parties:

When we're on the same side of the table, clearly there's a mutual benefit in the synergy that goes along with being the official sponsor. And we'll work closely with our partners to make sure that we're creating marketing opportunities which are mutually beneficial. (S5)

This relational approach requires increased interaction on the part of sponsors and events, and promotes greater communication and cooperation between parties: an important development in the professionalism of sponsorship management.

Sponsors and rights holders must be more aware of sponsorship programmes as a collective, and acknowledge and understand the broader impact of ambushing on the overall corporate family of an event, rather than merely the direct impact of individual ambush marketers on a particular sponsor. Ambush marketers have increasingly employed more generic, less targeted campaigns in leveraging against major events, and no longer aim to merely devalue or attack a rival's sponsorship as previously understood (as evidenced by the indirect and incidental types identified here).

Unfortunately, contemporary rights protection activities appear overly focused on individual sponsors or product categories in many cases, limiting the concern of ambush marketing for rights holders to direct, predatory or rights infringement ambushing, while ignoring more associative or indirect attempts (Burton & Chadwick, 2009; Burton & Chadwick, 2011). While direct ambush strategies represent the most easily defended types of ambushing, it is imperative that rights protection programmes account for ambushing's evolution towards more associative and surreptitious methods. Both sponsors and rights holders must take a broader view of the impact and effects of ambush marketing on sponsorship programmes as a collective, and build stronger and more strategic relationships in protecting against ambush marketing.

For example, in 2009 the organizers of Wimbledon were active in defending against ambush marketing outside the All England Club, prohibiting spectators from entering onto the grounds with bottled water, newspapers, snacks, and other promotional materials being given away by experiential ambushers as spectators approached the

grounds. Despite these efforts, Pringles succeeded in giving away thousands of cans of potato chips to fans entering the tournament. Wimbledon officials allowed fans to enter the stadium carrying the Pringles tubes because there were no official sponsors in the crisps or snack-food category; as such Pringles were not directly infringing on the rights of any sponsors. However, the clutter and brand presence created around the event by the giveaway, as well as the media coverage Pringles earned for the innovation and creativity of their campaign, succeeded in ambushing the event as a whole, thereby impacting the sponsorship programme as a whole, devaluing individual sponsors' involvement with the property.

Fig 4.25 has been removed due to third party copyright. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University

(Image: MoreThantheGames.com, 2009)

**Figure 4.25 – 2009 ATP/WTB Wimbledon Champions, All England Club
Pringles Ambush Campaign**

Pringles – in an effort to capitalize on the attention and awareness of fans entering the All England Club for the Wimbledon quarterfinals – staged a promotional giveaway for fans approaching the event. Fans entering the grounds were given Pringles chips in distinctive tennis ball tube-style packaging that were emblazoned with the phrase “These are NOT tennis balls” across the side. In total, over 24,000 tubes were given away, as brand reps and tennis-star look-alikes greeted fans on the way to the stadium.

In light of examples such as this, it is important that the strategic relationship between sponsor and rights holder stressed here guides the rights protection and counter-ambush marketing activities of events towards a more proactive and collective defense of

sponsorship programmes. While the onus must increasingly be on sponsors to assume greater responsibility in combating ambush marketing through their own activities and management practices, sponsors and organizers should seek to work together more positively to address rights infringements and manage the legal landscape cooperatively. A role exists for both parties in identifying potential threats and deciding the appropriate response to ambush campaigns; this necessitates a more strategic, considered approach than that described within the data:

We have a relationship with all of the organizations and bodies that we're involved in, clearly that is a debate as to whether we do it [rights protection] on a joint basis, or whether they do it, or we do it. Often that changes depending on the property, the organization that's involved. You know, it certainly happens both ways, and on a joint basis. We're sort of two parties going after one. (S1)

Underlying this relational approach is the need for increased and improved communication between sponsors and rights holders, and a greater adoption of stakeholder engagement on the part of rights holders. Respondents noted the importance of communication between parties, as well as between co-sponsors, to better protect against ambush marketing and develop more extensive marketing activities; regular sponsorship meetings, workshops, corporate events, and inter-organizational communication were all reiterated by respondents as key components in building and maintaining strong sponsorship relations. Participants did, however, emphasize both a need for continued development on the part of sponsorship relations, and the significance of approaching sponsorship protection and activation from a collective perspective. By encouraging interaction and partnership between sponsors and building more effective sponsorship programmes, the development of strategic sponsorship relations represents perhaps the most important consideration in future of sponsorship management.

This development is contingent upon the awareness, adaptation, and communication of sponsors when building and maintaining productive working relationships with rights holders. Within the context of ambush marketing, taking a relational approach to sponsorship management affords brands the opportunity to participate more actively in the counter-ambush activities of rights holders, and a greater awareness and

understanding of the marketing opportunities around events that may benefit sponsorship-linked marketing activities. Such cooperation should aim to yield mutual benefits for sponsor and sponsee, generating added value and protecting against potential ambushers. The partnership established must be mutually beneficial for sponsor and rights holder, beyond merely the delivery of sponsorship rights or the protection against property rights infringements by non-sponsors, and as such must be designed to improve existing relations and provide added value for both parties:

The sponsor relationship needs to be set out to be mutually beneficial. Working together adds value for both sides, and it adds exposure to both the sponsoring brand and the property. It's in their interest to gain exposure in a strong and positive way as much as it is for a brand like adidas or BMW, to get that exposure through that sponsorship. (S10)

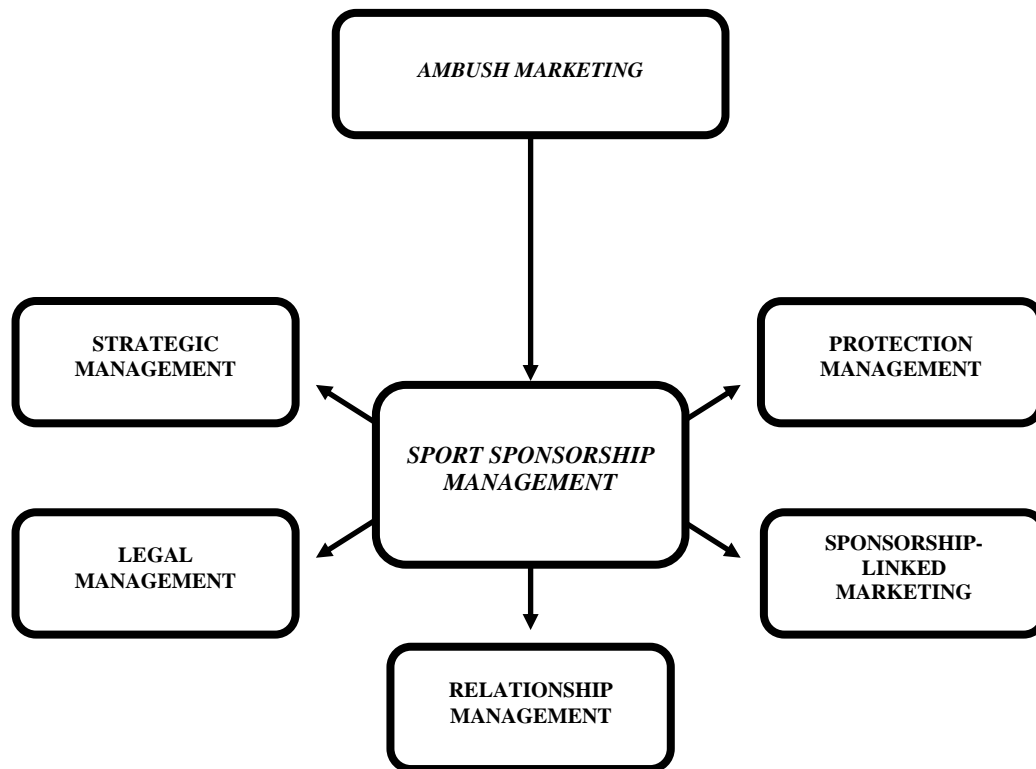
Rights holders and sponsors must extend beyond the expectation of rights protection and delivery of contractual stipulations, and endeavor to create and develop better sponsorship opportunities and broader campaigns, and to establish ownership of the event marketing landscape. Sponsors must communicate openly and proactively with rights holders in order to best promote their association and build a meaningful, beneficial partnership for both sponsor and sponsee. In so doing, sponsors afford themselves the best opportunity to develop their own campaign, and to respond actively to any potential threat posed by non-sponsoring brands.

4.5 – Modeling Ambush Marketing's Impact on Sponsorship

The management concepts identified in the interviews suggest a progression of sponsorship management towards a more strategic, relational approach on the part of individual sponsors, and sponsorship programmes as a whole. While historically the academic consideration of ambush marketing and the counter-ambush measures employed by rights holders have focused on the impact of ambushing on individual sponsors, the theory of ambush marketing communications conceptualized in this study reveals a much broader intent and impact of ambush marketing strategies. In seeking to capitalize on the fan equity, goodwill, and attention surrounding sporting events, and not solely aiming to confuse consumers and devalue competitors' sponsorship value, ambush marketing challenges sponsors and rights programmes to take a more evolved, strategic approach to sponsorship. The model proposed emphasizes the need for shared

awareness and protection on the part of sponsors and rights holders, encouraging greater cooperation and interaction in building successful sponsorship-linked marketing campaigns and sponsorship protection activities.

Figure 4.26 – A Model Of Ambush Marketing’s Impact On Sport Sponsorship Management



This collective perspective of sponsorship strategy follows the previous suggestion in sponsorship literature of the need for increased involvement and integration on the part of sponsors in event sponsorship programmes. Chavanat, Martinent & Ferrard (2009) argued, for example, that: “a sponsorship program might be more efficient when managers and marketers know the combination, aggregation, and influence of multiple entities to maximize the perceived value of sponsorship” (p. 666). Greater synergy in sponsorship programmes and improved co-sponsor relations which engage brands and sponsors in multiple tiers and secure assets within the same property, presents the opportunity for sponsors to establish a more significant association with an event, and to communicate more effectively with their target audience (Chavanat et al., 2009). Such extension of a sponsor’s official ties to an event would equally benefit the defense against ambush marketing by limiting the available ambush opportunities and the threat

posed by coat-tail ambushing and rights extensions ambushing, as well as providing the sponsor with additional legitimacy in communicating their association to consumers. Respondents emphasized the importance of interacting and cooperating more actively with other sponsors to build more effective sponsorship-linked marketing campaigns, to create cross-promotional and co-branding sponsorship opportunities, and to better capitalizing on the available marketing opportunities around major events which ambush marketers seek to exploit. Noted one sponsor:

I would like to see more partnership or cross-fertilization with other brands, because I think there would be a benefit to everybody if we collectively worked together to make that happen; there's bound to be synergies, and I think generally speaking, rights holders are very receptive of having their partners work together once it's done from a positive perspective. (S2)

The emergence of this new collective direction in event sponsorship represents an important step in the defense against ambush marketing: *"If done properly, with ambush marketing in mind, as in genuinely thinking about how we might combat it collectively, I think there could be great synergies there"* (S2). As the proposed typology indicates, ambush marketing most often implicates sponsorship programmes as a whole. Unlike early ambush campaigns, which explicitly targeted individual sponsors, contemporary ambush marketing demonstrates a broader objective, capitalizing on the fan equity of sporting events. Practitioners overwhelmingly expressed an interest and willingness to work more proactively with co-sponsors, acknowledging the potential benefits in raising sponsorship's value and protecting against ambush marketing:

Working with other brands in the event corporate family presents opportunities for value added, for greater synergy and greater marketing. [It] comes at a cost, and the benefits have to be weighed, but where that opportunity exists we see great value and potential, and it makes for better sponsorships. (S8)

Rather than viewing co-sponsors as competitors for consumer awareness or attention, brands should adopt a more synergistic approach, seeking to maximize the benefits of co-sponsorship relations and in this way better protect their sponsorships; argued one interviewee: *"Anytime you can have that kind of association, then I think there is very clearly a synergy, and a $1 + 1 = 3$, and we're leveraging the power of their brand and leveraging the power of our brand to our mutual benefit"* (S5). In addition to protecting against potential rights extension ambushing by co-sponsors, or the coat-tail ambushing

of lower-tier sponsors or partners, this collective approach offers brands an opportunity to collaboratively establish ownership over the sports marketing environment around events, and to limit the opportunistic ambushing of the sponsorship programme most common in contemporary practice.

Ultimately, while the management concepts identified and the model proposed demonstrate significant advances made in sponsorship relations, and a continued progression of sponsors and event sponsorship programmes towards a more strategic, relational approach, ambush marketing as conceptualized here can not and will not be completely removed from the sports marketing landscape. Ambush marketing has evolved considerably over the course of the past three decades, emerging as a dynamic form of sport marketing that capitalizes on the awareness, attention, and fan equity created by major events, and employs creative, innovative, and opportunistic strategies to associate with sports properties. Inherent to this view is the broader perspective of ambush marketing as a threat to sponsorship programmes, rather than just to individual sponsors. Contemporary ambush marketing represents a collective challenge for sponsorship programmes, necessitating a more collaborative approach to sponsorship management, relations, and protection. This growth has encouraged a shift in the strategic, legal, marketing, and protection management of sponsors, and heightened the need for improved relationship management between sponsorship partners.

Sponsors and rights holders must better understand the threat posed by ambush marketers, and the vast array of potential strategies or activities available to non-sponsors in order to better leverage and protect their own associations. The counter-ambush measures employed by rights holders and sponsors to date have encouraged the development of ambush marketing towards new, unexplored, and more innovative means of capitalizing on the marketing value of sports properties. Despite the best efforts of rights holders to protect the marketing landscape around major events, ambush marketing remains a real and growing threat that requires greater involvement and responsibility on the part of sponsors, and greater commitment on the part of academics and professionals alike to better understand the challenges posed, the implications for sponsorship, and the opportunities for sponsorship research and

practice in the future. The model proposed here provides a foundation upon which to build future sport sponsorship management considerations, seeking to address these shortcomings and improve sponsorship relations, protection, and activation.

Chapter V: Conclusions & Recommendations

OVERVIEW:

This chapter provides a conclusion to the study, highlighting the professional, theoretical, and academic contributions of the research. The study's findings are revisited, exploring the theoretical significance and research contribution of the conceptualization developed. The chapter concludes with the identification of a series of recommendations and future directions for the continued exploration of ambush marketing and sponsorship management.

5.1 – Exploring Ambush Marketing Theory

Ambush marketing has existed as an area of interest in sponsorship research for over two decades, following its emergence as a marketing phenomenon at the 1984 Los Angeles Olympics. Over the course of its development, ambush literature has sought to define and explore the impact of ambush campaigns on official sponsorship, identifying ambush marketing as a key threat to sport sponsorship and a major concern for event sponsorship stakeholders. While this literature base has provided an initial understanding of the professional concerns regarding ambushing, and offered some insight into its nature and development, the academic study of ambush marketing remains a largely underdeveloped field. There exists a dearth of research into its actual impact on sport sponsorship from a practical, managerial, or strategic perspective, as well as significant confusion regarding the definition and role of ambushing in sport marketing.

To address these limitations, this study has endeavored to further explore the nature, role, and implications of ambush marketing, and sought to address the central research question: *“What is the nature of ambush marketing, and what effect has it had on the management of sport event sponsorship?”* Following a grounded theory methodology – selected to better explore ambush marketing at a theoretical level and to construct a conceptualized and contemporized theory of ambush marketing communications – a three-phase research design was employed. The adopted methodology provided an extensive look into the history of ambush marketing, the practical application and relevance of ambushing within the sport sponsorship industry, and a thorough examination of the understandings, experiences, and perspectives of sponsorship

practitioners. In examining ambush marketing theory and practices in this context, the study addresses two significant limitations in the academic study of ambush marketing, and further extends the theoretical study of ambush marketing and sponsorship management.

The significance of this research – and the findings presented here – should not be understated. Historically, the study of ambush marketing has been restricted by the pervasive and out-dated view of ambushing as a parasitic and derivative marketing tactic, employed by non-sponsors to attack and devalue the official associations of rival sponsors. Commercial rights holders and event organizers have propagated this view of ambushing and largely driven the professional and theoretical discussion of ambush marketing. However, this view has ultimately limited ambush marketing research in both depth and breadth, and confused our understanding of ambushing's nature, role, and definition: a potentially significant bias in ambush marketing research. The conceptualization proposed herein signals a new direction in ambush marketing research, and offers a renewed opportunity for the academic study of ambushing in sponsorship research. The study's findings expand upon the strategic considerations implicit to contemporary ambush marketing communications, and reveal greater insight into the nature, role, and strategy of ambush marketing. This renewed understanding of ambushing affords a preliminary perspective into the managerial implications of ambush marketing for sport event sponsorship, and offers a more complex and exhaustive perspective of ambush marketing as a marketing communications alternative.

This is an important development in the study of sponsorship management. Previously, sponsorship and ambush marketing research has explored the managerial implications of ambushing within the context of rights holder protection strategies, seeking to identify those measures employed by commercial rights holders, and, to a lesser extent, sponsors, to combat ambush marketing. Such efforts endeavored to provide a better understanding of the impact of ambushing, and to assess the viability and success of those counter-ambush measures employed. Unfortunately, despite the advances made in examining the rights protection opportunities and activities available to properties, there

has been a significant dearth of research into the implications of ambushing from a sponsorship management perspective. The evolution of ambush marketing, and the move towards a more creative and strategic form of marketing communications as identified here, necessitates an evolution in sponsorship thinking, and a greater assumption of responsibility on the part of brands to maximize their sponsorship and protect against possible ambush campaigns.

As such, a pronounced shift in sponsorship management and relations is evident, both in terms of the approach and practices of sponsors. Sponsorship appears to be headed in a new direction, adopting a more synergistic, collective approach, and embracing a more cooperative and combined perspective on sponsorship leveraging and ambush marketing protection. The emergence and development of ambush marketing as a legitimate and dynamic form of marketing has prompted an increasingly strategic and proactive response from sponsors to protect against the threat posed by ambushers and to further capitalize upon the opportunities available to them. The management concepts identified – and the resultant model developed – exemplify the need for a new direction in sponsorship management and relations. Ambush marketing represents a significant threat to sponsorship programmes as a collective, beyond the traditionally individualistic perspective taken by sponsors and rights holders in confronting ambush campaigns. The concepts explored emphasize a more collaborative, strategic, and proactive approach to sponsorship management than previously understood. Sponsors and rights holders must endeavor to manage better their own interrelations, and collaborate more effectively and strategically in securing the event sponsorship environment against ambush marketers and better activating their own partnerships.

This has encouraged a shift in the strategic, legal, marketing, and protection management of sponsors, and heightened the need for relationship management between sponsorship partners. The management concepts identified – with particular emphasis on strategic, relationship, and sponsorship-linked marketing management – highlight this trend towards a more collective approach within sponsorship programmes, encouraging partners and co-sponsors to better manage their relations throughout the sponsorship process. The industry experts interviewed stressed the need for improved

selection, planning, protection, and activation in major event sponsorship relations. Given the dynamic evolution experienced in ambush marketing in response to such measures, and the increasingly sophisticated nature of event sponsorship, the model constructed provides an initial look into the fundamental management concerns necessary to combat and prevent ambush marketing. However, a continued evolution in sponsorship management, and an increasingly proactive response and preparation for ambush marketing's further development, is needed.

5.2 – Embracing a New Understanding of Ambush Marketing

Nevertheless, despite the significant advancements in sponsorship management and ambush marketing strategy, the study's most important implications lie in the theoretical foundations laid for future ambush marketing research, and the potential advances available to academics and practitioners in better understanding, exploring, and evolving ambush marketing thought. The conceptualization developed here emphasizes an increasingly strategic approach on the part of ambushers that provides brands an opportunity to leverage against the value of sports properties through a variety of strategies and methods.

Integral to the conceptualization developed is the construction of a typology of ambush marketing strategies; this typology reveals the diversity and complexity of ambush marketing communications. Adopting a multi-dimensional, cross-sectional perspective of ambushing objectives and implications, ten unique and discrete types of ambush marketing strategy have been identified, exemplifying the complex and dynamic nature of ambush marketing as a marketing communications alternative. The ambush marketing typology created here represents a unique, progressive look at ambush marketing communications and expands upon previous research providing a renewed understanding of the challenges facing rights holders and official sponsors in combating contemporary ambush marketing. The diverse and varied strategies employed by ambushers, and the evolution in approach witnessed over the course of ambush marketing's development, exemplify a creativity and adaptability on the part of ambushers, and a more opportunistic, capitalistic approach to ambush marketing than previously understood.

This represents a significant advancement in the study of ambush marketing, and addresses a fundamental limitation in the academic study of ambush marketing. Whereas past ambush marketing literature has remained firmly rooted in the parasitic, rights holder-based perspective of ambushing developed in the late-1980s, the conceptualization presented here evidences an evolution in ambush marketing practices and embraces the apparent sophistication and complexity of contemporary ambush strategies. The types created illustrate a much more capitalistic, opportunistic view of ambushing than previously thought, and exemplify a dynamism and adaptability on the part of ambushers in identifying opportunities and strategies by which to affiliate with events, and in employing increasingly associative, indirect strategies to capitalize on the latent marketing value of sports properties and events. The typology thus affords both a theoretical foundation upon which to build future ambush marketing research, and an exploration of the complexities and intricacies of contemporary ambush campaigns as never before considered within the extant academic literature.

In light of this new understanding, the term “ambush” marketing – and the relevance of a single, umbrella definition – merit reconsideration. Although ambush marketing represents an accepted and established term within both professional and academic circles, past definitions have been limited by inconclusive and acontextual examinations of the quantitative impact and relative morality of ambushing, and have relied on definitions and examples of ambush marketing which do not accurately reflect contemporary practices. The term “ambush” itself refers to an out-dated, antiquated perspective of associative event marketing derived from the parasitic, surprise attack nature of early ambush campaigns conducted in the 1980s and early-1990s. This perception of ambushing as a parasitic or negative tactic within the industry appears to inherently limit the study of ambush marketing. Those within the industry are at best reticent, and at worst unwilling to speak on the subject, potentially limiting the perspectives available and discouraging the academic study of ambushing as a form of marketing communications. Those sponsors and rights holders with particularly strong views against ambush marketing seem most willing to speak on the subject, perhaps explaining why much of the existing ambush marketing research base represents ambush marketing in such a negative light: a potentially significant bias of the extant

ambush marketing literature. This limited perspective has restricted the progress and development of ambush marketing research, and denied both academics and practitioners the theoretical relevance and depth of study necessary to advance ambush marketing and sport sponsorship research.

Unfortunately, a complete re-investigation of ambush marketing's nomenclature appears unlikely. The term "ambush" has become an accepted and recognized – if misunderstood – phrase in sport marketing and sponsorship research and practice, and is therefore likely to persist. However, this study does afford the opportunity to re-define ambushing as a legitimate marketing communications alternative, and to acknowledge the myriad types and strategies within ambush marketing practices, thereby further developing the theoretical discussion of ambush marketing. As evidenced by the typology constructed – and the breadth and depth of each type described – ambush marketing today incorporates a wide variety of methods, strategies, and marketing media, above and beyond the restricted, all-encompassing definitions proposed in the extant literature. Marketers have increasingly uncovered new and innovative ways of circumventing the rights protection and counter-ambush marketing programmes in place around major events, expanding marketing activities beyond marketing exclusion zones, adopting more associative, subversive imagery and terminology to avoid rights infringement, and capitalizing on the myriad of opportunities available to non-sponsors in leveraging against the increased value of sporting events. In this regard, contemporary ambush marketing strategies reflect better the pseudo-sponsorship (or pseudo-parrainage) described by Mazodier & Quester (2008), in that they afford brands an alternative means of capitalizing on the marketing value of sports properties and events.

This view of ambush marketing as a viable and legitimate marketing communications medium is integral to the continued study of ambush marketing. As such, a renewed interpretation of ambush marketing is proposed, intended to provide a more accurate and representative definition of contemporary ambush marketing, and account for the complexity and diversity of ambush marketing strategies. Although the attempt to construct a single, universal definition of ambush marketing is potentially problematic

given the diversity and complexity of ambush practices detailed in the typology created, the concepts identified throughout the study's findings provide an invaluable foundation for an expanded, more accurate and appropriate definition. Whereas previous definitions have emphasized the illegitimacy of ambush marketing, and stressed the competitive relationship between ambusher and official sponsor, a renewed understanding of ambushing is required in order to better understand and explore ambushing as a strategic form of marketing communications, acknowledging the complexity and diversity of contemporary ambush strategies. Key considerations such as the opportunistic nature of ambush marketers, the latent marketing value of major events, and the complex nature of ambush marketing communications, have informed the development of this new definition, and provided added context and relevance to the theoretical discussion of ambush marketing. Based upon these findings, ambush marketing is re-defined here as:

The marketing communications activities of a brand seeking to capitalize on the attention, awareness, fan equity, and goodwill generated by having an association with an event or property, beyond the official or authorized rights of association delivered by that event or property.

This new definition signifies a new paradigm in ambush marketing research, embracing the evolution of ambush marketing communications, and acknowledging the opportunistic and capitalistic direction of contemporary ambush campaigns. It is now incumbent upon sponsorship and ambush marketing researchers to further examine the nature and definition of ambushing in this light, and to continue the theoretical, managerial, and strategic investigation of ambush marketing communications.

5.3 – The Future of Ambush Marketing Research

Ultimately, this research has successfully conceptualized ambush marketing, and afforded the opportunity to delve deeper into ambush marketing as a research phenomenon. Given the dearth of research into ambush marketing from a theoretical or conceptual perspective, the conceptualization created provides a detailed basis upon which to build and elaborate the study of ambush marketing, and opens ambush research to a more exhaustive and extensive analysis from a practical, professional, and

theoretical perspective. The theoretical foundation upon which the proposed conceptualization is based makes it an important development in the study of ambush marketing, and an integral finding in exploring ambush marketing as a legitimate and strategic form of marketing communications. It is now imperative that ambush marketing and sport sponsorship researchers explore further the impact and role of ambush marketing within sport sponsorship management, and better understand the developments and advances identified here. Without fully understanding the challenge faced by sponsors and rights holders, it is impossible to appreciate the threat posed by ambush marketing, nor the relative success or viability of potential rights protection and counter-ambush measures.

First and foremost, it is important that the strategies and methods of ambush marketers continue to be monitored and explored as the marketing communications media and promotional opportunities available to both sponsors and ambushers evolve. The typology presented here represents a cross-sectional analysis of ambush strategies and communications platforms, and is therefore subject to adapt and change as the event marketing landscape progresses. As evidenced by its progressive evolution over the past thirty years, ambushing is a highly dynamic and complex form of marketing that has responded to the changing sponsorship environment and to the increased professionalism and sophistication in sponsorship rights protection. This growth and development should not be expected to stop; rather, based on the cases explored and the practitioners interviewed, it would appear that the evolution of ambush marketing is accelerating with the growth of technology and new media. As sponsorship evolves, and ambush marketers continue to identify and exploit new, more creative and innovative opportunities through which to capitalize on the value of sport, so too must researchers and practitioners adapt and endeavor to better understand and appreciate the potential threat posed by ambush marketing. The typology therefore represents an opportunity for further exploration in the coming years, as new types and strategies emerge, and previous communications alternatives available to ambushers diminish.

Likewise, it is integral to the success of ambush marketing research – and to the continued protection of event sponsorship – that the practical and tangible impact of

ambushing on sponsorship be more thoroughly and extensively researched. While academics have attempted to identify and quantify the impact of ambushing on sponsorship returns, the use of recall and recognition surveys have proven to be, at best, inconclusive; at worst, flawed. It is therefore imperative that greater consideration is given to the measurement and evaluation of sponsorship, both professionally and academically, in order to identify the potential effects and impact of ambush marketing, and to further explore the value and potential growth of sport event sponsorship. Moreover, the management of sponsorship, and the protection of sponsorship programmes both, individually and as a collective, must be further investigated, as greater research into the success and implications of current rights protection activities is needed. The predominantly rights holder-based counter-ambush measures employed by major events, such as ambush-specific legislation and marketing exclusion zones surrounding stadia, have thus far proven unsuccessful in preventing ambush marketing, instead encouraging the evolution of ambush strategy and drawing growing criticism over perceived infringements of civil liberties and free trade. A greater appreciation of the measures available to sponsors and rights holders in protecting official sponsorship is crucial to the long-term viability and sustainability of event sponsorship.

Finally, it is important that researchers and practitioners embrace the increasingly collaborative, synergistic approach to sponsorship, and examine the impact of ambush marketing and sponsorship protection within the context of this collective understanding. This study has identified core management considerations for sponsors when selecting, leveraging, protecting and growing their sponsorship activities, providing initial insight into the evolution of sponsorship management and relations. However, a deeper consideration of the impact of rights protection measures on sponsorship, and of the success of counter-ambush activities in preventing and proactively protecting against ambushing, is essential to better understand the impact of ambushing on sponsorship and the future direction of sponsorship programmes. Ambush marketing represents a significant challenge – not only to individual event sponsors, but also to event sponsorship programmes as a whole – that necessitates a broadened perspective of sponsorship protection and relations on the part of sponsors, organizers, and rights owners. The model developed provides a preliminary foundation

upon which to build counter-ambush strategy and sponsorship relations, but also requires a more extensive and exhaustive analysis of the relationships and protection measures throughout event sponsorship programmes. The collective view of sponsorship relations and sponsorship programmes, and the emergent collaborative approach to sponsorship activation and protection revealed within this study, must be further researched in order to afford a greater understanding of the challenges and opportunities facing sponsors, and the potential advances to be made in sponsorship relations.

5.4 – Conclusion

Ultimately, the aim of this research has been to develop a scientific conceptualization of ambush marketing, and to build upon the ambushing's minimal theoretical foundation. The study's findings present a theoretically grounded perspective of the nature and impact of ambush communications in contemporary sponsorship and event marketing, and provide a preliminary understanding of the theory and strategy behind ambushing, as well as an initial exploration of the managerial implications of ambushing on sponsorship. Ambush marketing represents a significant threat to commercial rights holders and sport sponsors, casting doubts over sponsorship's long-term future and presenting sport marketers with an alternative means of capitalizing upon the goodwill and fan equity sought through sport sponsorship. While past research has been founded upon a parasitic, derivative understanding of ambush marketing, contemporary ambush marketing is a strategic, dynamic, and legitimate form of marketing communications that comprises a variety of strategies, media, and marketing opportunities. The conceptualization developed contributes to both the ambush marketing and sponsorship academic literatures, expanding our understanding of sponsorship management and protection strategies, and legitimizing ambush marketing as an alternative to official sponsorship. By examining the strategic and dynamic nature of contemporary ambush marketing communications, and further exploring the managerial implications of ambush marketing for sport sponsorship, this study represents a crucial step towards understanding the nature, impact, and role of ambush marketing, and acts as an important development in the protection and management of sport sponsorship.

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APPENDICES

Appendix A: Phase II Semi-Structured Interview Schedule

BACKGROUND INFORMATION

(read verbatim)

Hello, may I please speak to: _____?

When asked what about: I'm calling on behalf of the Centre for the International Business of Sport, in regards to some research I am currently conducting into sport sponsorship.

If not a good time: Would it be possible to arrange a better time for me to call back?

When put through to respondent:

Hi, my name is Nicholas Burton. I'm calling on behalf of the Centre for the International Business of Sport, at Coventry University.

I am currently conducting a research study on sport sponsorship, and was wondering if you would be willing to participate in a brief interview?

If NO: Is there a better time I could call back that would be more convenient for you?
Would you like me to send you more information on the study/questions via email or the post?

If not willing, at all: Thank you very much for your time. If you would like more information on the study, or reconsider in the future, please feel free to contact either myself, or Dr. Simon Chadwick (give contact details if desired).

If able/willing to continue:

This interview forms part of a research project the Centre for the International Business of Sport is currently undertaking, and should take approximately 20 minutes. The focus of the research project is an examination of the nature and implications of ambush marketing, and the managerial issues within sponsorship.

Would it be acceptable for me to record this interview? (***If not:*** Start writing.)

I realise this information may be sensitive. May I assure you that the contents of our discussion will be kept strictly confidential, and the recording and transcripts will be destroyed following the study.

If you would like any further information about this project, please do not hesitate to ask at the end of the interview.

Likewise, if you have any concerns or questions throughout the interview, please do not hesitate.

Before we begin:

Do you know what AMBUSH MARKETING IS? (YES / NO)

If NO: Would you like me to provide you with a brief definition?

“A planned effort (campaign) by an organization to associate themselves indirectly with an event in order to gain at least some of the recognition and benefits that are associated with being an official sponsor” (Shani & Sandler, 1989, p. 11)

“The practice whereby another company, often a competitor, intrudes upon public attention surrounding the event, thereby deflecting attention toward themselves and away from the sponsor” (Meenaghan, 1994, p. 79)

Do you agree with this definition? (YES / NO)

Why not?

If YES: How would you define it?

(1) How long have you been involved in sponsorship?

Prompts:

Personally

The organization itself

(2) Who are your major sponsors?

Prompts:

How long have they been partners?

If you can say, how much money does sponsorship bring in on an annual basis?

(3) Are you aware of any instances of ambush marketing, or have you ever encountered ambush marketing during your involvement with sport sponsorship?

IF SO: What was your involvement?

Prompts:

Ever been ambushed?

Had a sponsor ambushed by a third party?

Awareness of ambushing in the media?

- (4) What impact do you think ambush marketing has on sponsorship?

Prompts:

Does it devalue sponsorship?

Are you concerned about being ambushed?

Do you actively defend against?

What role do you take in protecting your sponsors?

Any measures in place?

(5) What is your opinion of ambush marketing?

Prompts:

Ethical/unethical?

Legitimate marketing strategy?

Follow-up: Do you agree with the term 'ambush marketing'?

If NO: How would you phrase it/refer to it?

(6) What do you think are the major issues facing managers in regards to ambushing in sponsorship?

TOP 3?

Prompts:

Strategic

Tactical

Managerial

What are the major challenges you face?

In your opinion, what can be done?

(7) Are there any aspects of ambush marketing that you feel need to be explored or researched further?

If you had a budget that could be used to undertake research into ambush marketing, what would your focus be?

Prompts:

How could further research help you as a practitioner?

Counter-ambushing strategies?

Legal means?

Marketing means?

Actual impact on sponsorship?

(8) Is there anything more about sport sponsorship or ambush marketing that you would like to add?

Anything more you think would be important?

(9) Is there anyone else whom you would recommend contacting about sport sponsorship or ambush marketing for this research?

CLOSING STATEMENT
(read verbatim)

Thank you for agreeing to participate in this interview.

The tape of the interview will now be transcribed, after which it will be erased.

This transcription will subsequently be analysed, and then shredded.

At no stage will any details of this interview go beyond my self or any of the directors of **CIBS**.

If you are interested, following the data collection stage I intend to produce a general summary of the interviews and the important themes that emerge.

Would you like to receive a copy of this summary?

Yes

No

Finally, would you be OK with myself or another member of **CIBS** contacting you in the future as a follow-up to this interview?

Yes

No

-Thank you very much for your time-

Appendix B: Phase III In-Depth Expert Interview Schedule

BACKGROUND INFORMATION (read verbatim)

Hello, may I please speak to: _____

Introduction:

This interview forms part of a research project the Centre for the International Business of Sport is currently undertaking, and should take approximately between 1 and 2 hours.

As you are already aware, the focus of the research project is an examination of the nature and implications of ambush marketing, and the managerial issues within sponsorship. This discussion aims to examine further your responses to the survey you recently completed in order to better understand ambush marketing's impact on sponsorship management.

Would it be acceptable for me to record this interview? (*If not:* Start writing.)

I realise this information may be sensitive. May I assure you that the contents of our discussion will be kept strictly confidential and anonymous, and that all records of the interview will be destroyed following analysis.

If you would like any further information about this project, please do not hesitate to ask at the end of the interview.

Likewise, if you have any concerns or questions throughout the interview, please do not hesitate.

PART A – Nature of Ambushing

(1) How would you define ambush marketing?

PROMPTS:

- Authorization
- Creativity
- Benefits? (Why?)
- Players involved?
- Creativity
- Innovation
- Ingenuity
- Guerrilla tactics
- Predatory

(2) Why do you think ambush marketing has emerged?

PROMPTS:

- Sponsorship changes
- Clutter
- Value of sport
- Cost of sponsorship

(3) What role do you see ambush marketing playing in the future of sports marketing?

PROMPTS:

- Alternative to sponsorship?
- Continued growth
- Further legislation/legal action
- New media

- (4) How, in your opinion, do the aims and objectives of ambush marketers differ from those of official sponsors?

PROMPTS:

Confusion

Association

Parasitic intent

Value of sport

Capitalizing on opportunities

PART B – Survey/Management of Sponsorship

(5) What are the main challenges posed by ambushing for official event sponsors?

PROMPTS:

- Leveraging
- Management
- Relationship with organizers
- Key concerns?

(6) What impact do you think ambushers have, or can have, on event sponsorship programmes (if any)?

PROMPTS:

- Devaluation
- Confusion
- Enforced management
- Cost of investment

(7) To what extent do you work with the properties you sponsor in protecting against ambush marketing (or the threat of ambush marketing)?

(7a) How closely do you work together with them in executing your own sponsorship objectives?

(7b) How is the relationship managed?

PROMPTS:

- Management
- Relationships
- Aims/objectives
- Contract
- Responsibility

(8) How likely do you think it is that sponsorship programmes you are involved in will be ambushed?

(8a) In what ways do you think this could happen?

(8b) In what ways does the threat of ambushing influence how you leverage and activate your sponsorship agreements?

PROMPTS:

- Preparation
- Leveraging/activation
- Opportunities
- Concern
- Impact on management

PART C - Respondent-Specific

- (9) You indicated that you've previously come across ambush marketing attempts in your sponsorship experience – would you be willing to give a few examples?

How were these dealt with?

In your view, **why/how** do you think the attempt constituted ambushing?

- (10) You also indicated that you wouldn't consider ambushing as an alternative to sponsorship or employ ambushing in your own marketing practices – would you mind elaborating a little on why?

PROMPTS:

- Company ethos?
- Brand image/identity?
- Aims/objectives?

- (11) You also indicated that you believe more needs to be done to regulate ambush marketing in the industry, and that the responsibility falls on the rights holder to protect sponsors. In your opinion, what more do you think can or should be done to protect sponsors from ambush marketers?

PROMPTS:

- Responsibility?
- Actions taken/available?
- Importance of rights holder initiative!!

(12) Additional comments/suggestions (??)

(e.g., What are some of the key management considerations you've had to make?)

CLOSING STATEMENT

(read verbatim)

Thank you for agreeing to participate in this interview.

Following analysis of this recording, all records will be erased and destroyed.

At no stage will any details of this interview go beyond myself or any of the directors of **CIBS**.

-Thank you very much for your time-

Appendix C: Phase III Expert Interview NVivo Coding Report

Type	Name	Memo Link	Sources	References	Created On	Created By	Modified On	Modified By
Tree Node	Ambush Marketing		11	303	10/19/10 10:56	NB	12/8/10 12:07	NB
	Tree Node	Ambush Impact		10	84	12/8/10 15:14	NB	12/8/10 15:14 NB
	Tree Node	Association		10	58	10/19/10 11:12	NB	11/27/10 16:57 NB
	Tree Node	Clutter		5	16	10/19/10 11:26	NB	11/27/10 15:54 NB
	Tree Node	Competition		8	62	11/2/10 12:52	NB	12/7/10 16:30 NB
	Tree Node	Confusion		7	19	10/19/10 11:26	NB	11/27/10 16:24 NB
	Tree Node	Creativity		9	21	10/19/10 11:13	NB	12/7/10 17:05 NB
	Tree Node	Direct v Indirect		5	15	12/8/10 15:15	NB	12/8/10 15:15 NB
	Tree Node	Illegitimacy		9	60	10/19/10 11:14	NB	11/22/10 11:47 NB
	Tree Node	Intelligence		7	15	10/19/10 11:14	NB	12/7/10 17:05 NB
	Tree Node	IP Rights		9	36	10/19/10 11:28	NB	11/22/10 15:57 NB
	Tree Node	Opportunism		11	56	10/19/10 11:25	NB	12/8/10 12:07 NB
	Tree Node	Public Relations		9	33	11/11/10 12:54	NB	12/7/10 17:08 NB
	Tree Node		Negative Connotation		7	46	11/11/10 12:52	NB 11/22/10 15:53 NB
	Tree Node	Uncertainty		7	30	11/2/10 12:53	NB	11/27/10 16:23 NB

Tree Node	Causes		11	138	10/19/10 10:58	NB	12/8/10 15:01	NB	
	Tree Node	Clutter		9	62	10/19/10 11:19	NB	12/8/10 11:49	NB
	Tree Node	Marketing Value of Sport		9	118	10/19/10 11:19	NB	12/8/10 15:01	NB
	Tree Node	Sponsorship Framework Evolution		7	31	11/11/10 12:53	NB	12/8/10 14:44	NB
	Tree Node	Sponsorship Growth		11	118	10/19/10 11:19	NB	12/8/10 14:55	NB
		Tree Node	Globalization		3	11	11/10/10 12:31	NB	12/8/10 14:55 NB
		Tree Node	Growth of New Media		4	23	11/10/10 12:31	NB	12/7/10 16:08 NB
	Tree Node	Structural Change		10	94	10/19/10 11:19	NB	12/8/10 14:45	NB
Tree Node	Contracts		10	116	10/19/10 10:59	NB	12/8/10 14:45	NB	
	Tree Node	Definition of Rights		10	153	10/19/10 12:25	NB	12/8/10 14:45	NB
	Tree Node	Enforcement of clean venues		4	15	10/19/10 11:22	NB	11/27/10 16:20	NB
	Tree Node	Multi-Tier involvement		7	47	10/19/10 11:21	NB	12/8/10 14:45	NB
	Tree Node	Protection from Rights Holders		11	90	10/19/10 11:21	NB	12/7/10 17:07	NB
Tree Node	Legality		11	81	10/19/10 10:58	NB	12/7/10 17:08	NB	
	Tree Node	Legal action		9	17	10/19/10 11:23	NB	12/7/10 16:29	NB
	Tree Node	Legislation		6	21	10/19/10 11:22	NB	11/27/10 15:56	NB
	Tree Node	Locality		2	10	10/19/10 11:23	NB	11/20/10 14:09	NB
	Tree Node	Process		7	32	10/19/10 11:22	NB	12/7/10 16:29	NB

Tree Node	Management		11	513	10/19/10 10:57	NB	12/8/10 15:01	NB	
	Tree Node	Adaptation		10	48	11/10/10 12:35	NB	12/7/10 17:08	NB
	Tree Node	Aims and Objectives		7	58	10/19/10 12:28	NB	12/8/10 14:57	NB
	Tree Node	Awareness		11	174	10/19/10 15:08	NB	12/8/10 14:57	NB
	Tree Node	Threat			9	76	10/19/10 15:11	NB	12/8/10 14:53 NB
	Tree Node	Brand Management		9	106	10/19/10 11:23	NB	12/8/10 14:57	NB
	Tree Node	Decision-making		10	72	10/19/10 11:23	NB	12/8/10 15:01	NB
	Tree Node	Marketing		11	141	10/19/10 11:16	NB	12/8/10 15:01	NB
	Tree Node	Planning		10	107	10/19/10 11:16	NB	12/8/10 15:01	NB
	Tree Node	Protection Measures		11	147	10/19/10 15:10	NB	12/8/10 14:58	NB
	Tree Node	Relational Sponsorship		11	273	10/19/10 11:16	NB	12/8/10 15:01	NB
	Tree Node	Communication			6	26	12/8/10 15:13	NB	12/8/10 15:13 NB
	Tree Node	Integration			5	30	12/8/10 15:15	NB	12/8/10 15:15 NB
	Tree Node	Rights Holder Facilitation			9	49	11/11/10 12:53	NB	12/8/10 15:01 NB
Tree Node	Personal Context		5	22	12/8/10 15:16	NB	12/8/10 15:16	NB	

Tree Node	Sponsorship	11	404	10/19/10 11:00	NB	12/8/10 15:01	NB	
	Tree Node	Brand Identity	9	103	11/11/10 12:56	NB	12/8/10 12:22	NB
	Tree Node	Capitalizing on opportunities	11	121	10/19/10 11:20	NB	12/8/10 15:01	NB
	Tree Node	Communication	11	125	10/19/10 15:10	NB	12/8/10 15:01	NB
		Tree Node	Attention	10	25	10/21/10 11:24	NB	12/8/10 11:44 NB
	Tree Node	Creativity	7	21	10/19/10 11:20	NB	12/8/10 14:59	NB
	Tree Node	Guidelines	8	43	11/11/10 12:54	NB	11/27/10 16:57	NB
	Tree Node	Innovation	8	28	10/19/10 11:20	NB	12/7/10 16:07	NB
	Tree Node	New Media	5	42	10/19/10 11:20	NB	12/7/10 16:09	NB
	Tree Node	Sponsor Motivation	4	52	12/8/10 15:16	NB	12/8/10 15:16	NB
	Tree Node	Sponsorship Strategy	5	75	12/8/10 15:15	NB	12/8/10 15:15	NB
	Tree Node	Staff	1	1	10/19/10 11:20	NB	11/21/10 15:28	NB
	Tree Node	Value of rights	11	187	11/10/10 12:32	NB	12/8/10 15:01	NB
Tree Node	Staffing	9	66	10/19/10 10:59	NB	12/7/10 15:57	NB	
	Tree Node	Agencies	2	12	11/11/10 12:56	NB	11/22/10 16:00	NB
	Tree Node	Brand Representatives	3	6	10/19/10 11:24	NB	11/22/10 11:48	NB
	Tree Node	Expectation of RH	8	20	10/19/10 11:25	NB	11/27/10 14:35	NB
	Tree Node	Legal teams	8	28	10/19/10 11:24	NB	11/27/10 16:58	NB
	Tree Node	Management	8	48	10/19/10 11:44	NB	12/7/10 15:57	NB

Tree Node	Examples of Ambushing	10	44	11/10/10 12:31	NB	12/7/10 17:07	NB	
Tree Node	Typology	10	59	10/19/10 10:57	NB	12/7/10 16:30	NB	
Tree Node	Associative ambushing		7	16	10/19/10 11:03	NB	11/21/10 15:43	NB
Tree Node	Coat-tail ambushing		7	17	10/19/10 11:02	NB	12/7/10 16:30	NB
Tree Node	Distractive ambushing		3	6	10/19/10 11:04	NB	11/22/10 16:35	NB
Tree Node	Insurgent ambushing		4	10	10/19/10 11:05	NB	11/22/10 16:35	NB
Tree Node	Parallel Property ambushing		3	7	10/19/10 11:05	NB	11/19/10 19:31	NB
Tree Node	Predatory ambushing		3	4	10/19/10 11:01	NB	11/20/10 14:16	NB
Tree Node	Property Infringement ambushing		3	11	10/19/10 11:02	NB	11/21/10 15:10	NB
Tree Node	Saturation ambushing		4	16	10/19/10 11:06	NB	10/19/10 11:06	NB
Tree Node	Self-ambushing		4	13	10/19/10 11:03	NB	11/27/10 14:39	NB
Tree Node	Unintentional ambushing		4	6	10/19/10 11:06	NB	11/19/10 18:58	NB
Tree Node	Values ambushing		2	2	10/19/10 11:05	NB	10/19/10 11:05	NB

